

STATE OF TEXAS

April 12, 2010

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 12th day of April 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 Donald Bennett and the Pledge of Allegiance, the following items, having been lawfully posted and filed for record in the Office of the County Clerk on April 8, 2010 at 1:12 P.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

1. PRESENTATION OF LENGTH OF SERVICE AWARDS TO JOHNSON COUNTY EMPLOYEES

Employees of Johnson County were recognized for their service to the County and employees were given Length of Service pins, as attached to these minutes.

6. PROCLAMATION FOR "JOHNSON COUNTY CHRISTIAN LODGE"

The Commissioner's Court recognized The Johnson County Christian Lodge, and the volunteers, staff, churches, and sponsors that contribute to their cause.

4. PROCLAMATION FOR "CONSERVATION DAY 2010"

The Commissioner's Court proclaimed April 27th, 2010 as "Conservation Day 2010".

5. PROCLAMATION FOR "SEXUAL ASSAULT AWARENESS MONTH"

The Commissioner's Court proclaimed April, 2010 as "Sexual Assault Awareness Month".

2. PRESENTATION OF COMPREHENSIVE ANNUAL FINANCIAL REPORT FROM KENNEMER, MASTERS, & LUNSFORD



A presentation regarding the Comprehensive Annual Financial Report from Kennemer, Masters, & Lunsford was given by Tom Masters.

3. PRESENTATION OF PROJECTED FINANCIAL CONDITIONS OF JOHNSON COUNTY

A presentation regarding the projected financial conditions of Johnson County was presented by Roger Harmon, County Judge. Judge Harmon proposed every department within the County to reduce their budgets by 5% to avoid a possible tax increase in the coming budget year.

VII. PRECEDING BUSINESS

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.

The Commissioner's Court recessed at 10:50 A.M. and reconvened at 11:08 A.M. to consider the following:

V. PUBLIC PARTICIPATION

Comm. Matthews expressed appreciation from Scott Kirkpatrick, Game Warden for Johnson County and other agencies involved in the March 2010 search & rescue on Lake Aquila using the site sonar unit awarded to the Game Warden last budget session.

Don Burns, Public Works Director, updated the Court on a 2 ½ day seminar that David Trew and Robert Rudzavice attended in Austin, Texas hosted by the Texas Historical Commission. David and Robert received a plaque on Johnson County's behalf for "Outstanding Stewardship" for the restoration on the Johnson County Courthouse. Don Burns also presented a check in the amount of \$1,000.00 awarded by the Historical Commission to be used for maintenance on the Historic Courthouse.

VI. PUBLIC HEARINGS

The Commissioner's Court opened a Public Hearing at 11:13 A.M. to discuss:

1. NAME AN UNNAMED SECTION OF ROAD BETWEEN FM 2738 AND BECKY DRIVE IN JOHNSON COUNTY, TEXAS – PRECINCT #3

Commissioner Stringer spoke in support of naming the unnamed portion of road between FM 2738 and Becky Drive, George Renfro Drive in Johnson County, Texas-Precinct #3. Dusty Renfro spoke to honor his great grandfather who donated property for a railroad station. Marilyn Gilliland would like to have the middle initial "J" added to the road name. The hearing was closed at 11:20 A.M.

VII. PRECEDING BUSINESS

1. CONSIDERATION OF **ORDER #2010-06** NAME AN UNNAMED SECTION OF ROAD BETWEEN FM 2738 AND BECKY DRIVE IN JOHNSON COUNTY, TEXAS–PRECINCT #3

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve **Order #2010-06** to Name an Unnamed Section of Road Between FM 2738 and Becky Drive in Johnson County, Texas in Precinct #3, George Renfro Drive.

All voted aye, motion carried.

2. CONSIDERATION OF MINUTES OF THE COMMISSIONERS COURT:

- a. January 25, 2010 – Regular Session

- b. February 22, 2010 – Regular Session
- c. March 8, 2010 – Special Session

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the Commissioner's Court Minutes for January 25, 2010, February 22, 2010, and March 8, 2010.

All voted aye, motion carried.

4. ACKNOWLEDGMENT OF RECEIPT OF THE COUNTY AUDITOR'S REPORT TO THE COMMISSIONERS COURT

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

6. CONSIDERATION TO AWARD **RFB #2010-319-B**-2004 OR NEWER ATV VEHICLE - HAMM CREEK

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

All voted aye, motion tabled.

7. CONSIDERATION TO AWARD **RFB #2010-321-A**-NEW OR LIKE NEW GOOSENECK STOCK TRAILER – SHERIFF'S OFFICE

Comm. Matthews, seconded by Comm. Beeson made a motion to approve **RFB #2010-321-A** for a new or like new gooseneck stock trailer for the Sheriff's Office to be purchased from drug seizure funds in the amount of \$5,335.00.

All voted aye, motion carried.

8. CONSIDERATION TO AWARD **RFB #2010-322**-ASPHALTS, EMULSIFIED ASPHALTS AND ALTERNATIVE PRODUCTS

Comm. Bailey, seconded by Comm. Matthews made a motion to award **RFB #2010-322** to Gulf Energy, Houston, Texas; Southern Asphalt, Fort Worth, Texas; P2 Emulsion Plants, Elm Mott, Texas; Cleveland Asphalts, Shepherd, Texas, and the Interlocal Agreement with Tarrant County.

All voted aye, motion carried.

9. CONSIDERATION TO AWARD **RFB #2010-323**-ROAD MATERIALS

Comm. Matthews, seconded by Comm. Stringer, made a motion to award **RFB #2010-323** to all vendors.

All voted aye, motion carried.

10. CONSIDERATION TO AWARD **RFB #2010-326**-USED 2008 OR NEWER SEDAN FOR MENTAL HEALTH OFFICER

Comm. Stringer, seconded by Comm. Beeson, made a motion to reject all bids for **RFB #2010-326**.

All voted aye, motion carried.

11. CONSIDERATION TO DECLARE ITEMS AS SURPLUS AND PLACE ON RENE BATES AUCTION PURSUANT TO *SECTION 263.152* OF THE LOCAL GOVERNMENT CODE-PRECINCT #2

Comm. Matthews, seconded by Comm. Stringer, made a motion to declare items as surplus and place on Rene Bates Auction pursuant to *Section 263.152* of the Local Government Code for Precinct #2.

All voted aye, motion carried.

VIII. UNFINISHED BUSINESS

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 REMODELING OF THE OLD BAND HALL FOR JUSTICE OF THE PEACE, PRECINCT #1 OFFICES

Discussion. No Action.

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

Discussion. No Action.

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

a. Consideration of Acceptance of Proposal and Agreement for Services with Terracon Consultants, Inc. for Geotechnical Engineering Services

Comm. Matthews, seconded by Comm. Bailey, made a motion to accept the proposal and agreement for services with Terracon Consultants, Inc. for Geotechnical Engineering Services and to give the County Judge authorization to sign.

All voted aye, motion carried.

IX. NEW BUSINESS

15. CONSIDERATION OF COMMERCIAL ACCOUNT RIGHT OF ENTRY AGREEMENT WITH CHARTER COMMUNICATIONS, INC. FOR ACCESS TO THE MEALS ON WHEELS BUILDING LOCATED AT 106 E. KILPATRICK, CLEBURNE, TEXAS

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Commercial Account Right of Entry Agreement with Charter Communications, Inc. for access to the Meals on Wheels building located at 106 E. Kilpatrick, Cleburne, Texas and to give the County Judge the authorization to sign.

All voted aye, motion carried.

10. CONSIDERATION OF AMENDMENT NO. 1 TO PROJECT AGREEMENT BETWEEN JOHNSON COUNTY SOIL AND WATER CONSERVATION DISTRICT & DALWORTH SOIL AND WATER CONSERVATION DISTRICT & JOHNSON COUNTY AND THE UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE FOR REPAIRS TO TRINITY CHAMBERS WATERSHED SITE 32

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the Amendment No. 1 to Project Agreement between Johnson County Soil and Water Conservation District & Dalworth Soil and Water Conservation District & Johnson County and the United States Department of Agriculture Natural Resources Conservation Service for repairs to Trinity Chambers Watershed Site 32 and to give the County Judge authorization to sign.

All voted aye, motion carried.

11. CONSIDERATION OF DAMAGE SURVEY REPORT (DSR) FOR THE EMERGENCY WATERSHED PROTECTION PROGRAM-RECOVERY

Comm. Beeson, seconded by Comm. Bailey, made a motion to accept the Damage Survey Report (DSR) for the Emergency Watershed Protection Program-Recovery and to give the County Judge the authorization to sign.

All voted aye, motion carried.

9. CONSIDERATION OF ATTESTATION OF COMPLIANCE FOR SELF-ASSESSMENT QUESTIONNAIRE A WITH THE SECURITY STANDARDS COUNCIL LLC-TAX OFFICE

Comm. Bailey, seconded by Comm. Stringer, made a motion to accept the Attestation of Compliance for Self-Assessment Questionnaire A with the Security Standards Council LLC and the Tax Office and to give the County Judge the authorization to sign.

All voted aye, motion carried.

VIII. UNFINISHED BUSINESS

4. CONSIDERATION OF RECURRING ITEMS CONCERNING MARKET SQUARE

Discussion. No Action.

The Commissioner's Court recessed at 12:25 P.M. and reconvened at 1:32 P.M. to consider the following:

XI. WORKSHOP

The Commissioner's Court convened into Workshop Session at 1:32 P.M. to discuss Household Hazardous Waste Services for Johnson County Residents-Precinct #3 and Qualifications for Construction Manager at Risk for the Emergency Operations Center.

The Commissioner's Court reconvened into open session at 2:28 P.M. to consider the following:

VII. PRECEDING BUSINESS

5. CONSIDERATION OF **RFQ #2010-320** – CONSTRUCTION MANAGER AT RISK FOR EMERGENCY OPERATIONS CENTER

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve **RFQ #2010-320** for Construction Manager at Risk for Emergency Operations Center for all 3 vendors on Phase 2.

All voted aye, motion carried.

VIII. UNFINISHED BUSINESS

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

Discussion. No Action.

IX. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Beeson, seconded by Comm. Stringer made a motion to advertise for bids/proposals for Precinct #2 to purchase a Ham Tandem Drum Roller with trailer through the Interlocal Agreement with HGAC in the amount of \$59,920.00; the Sheriff's Office

to purchase a 2010 Chevrolet Impala through Texas State Contract in the amount of \$17,732.00; Precinct #4 to purchase a used 2008 EW160C Wheeled Excavator through the TX MAS Contract in the amount of \$191,467.00; Precinct #1 to purchase a used ATV vehicle for Hamm Creek Park; bids/proposals for restrooms for Market Square; and for Public Works to go out for competitive bids for the Service Complex Roof at the Sheriff's Office with an estimate of \$42,500.00.

All voted aye, motion carried.

2. CONSIDERATION OF BUDGET AMENDMENT PURSUANT TO THE LOCAL GOVERNMENT CODE SECTION 111.0106 FOR ROAD MATERIAL FROM XTO ENERGY, INC. IN THE AMOUNT OF \$6,500.00-ROAD & BRIDGE, PRECINCT #1

Comm. Bailey, seconded by Comm. Matthews, made a motion to approve the Budget Amendment pursuant to the Local Government Code *Section 111.0106* for road material from XTO Energy, Inc. in the amount of \$6,500.00-Road & Bridge, Precinct #1.

All voted aye, motion carried.

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

- a. Constable Precinct #2-Equipment Non-Capital

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the Budget Amendment pursuant to the Local Government Code *Section 111.010-C* for the purchase of a computer for Constable Precinct #2-Equipment Non-Capital in the amount of \$802.00.

All voted aye, motion carried.

4. CONSIDERATION OF COMPREHENSIVE ANNUAL FINANCIAL REPORT FROM KENNEMER, MASTERS, & LUNSFORD

Comm. Matthews, seconded by Comm. Stringer, made a motion to accept the Comprehensive Annual Financial Report from Kennemer, Masters, & Lunsford.

All voted aye, motion carried.

5. CONSIDERATION OF APPOINTMENTS TO THE JOHNSON COUNTY HISTORICAL COMMISSION

- a. John Duke Smith of Burleson, Texas
- b. Michael Simons of Cleburne, Texas

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the appointments of John Duke Smith of Burleson, Texas and for Michael Simons of Cleburne, Texas to the Johnson County Historical Commission.

All voted aye, motion carried.

6. CONSIDERATION OF OFFICIAL BOND AND OATH FOR BECKY WILLIAMS, COUNTY CLERK

Comm. Stringer, seconded by Comm. Matthews, made a motion to approve the Official Bond and Oath for Becky Williams, County Clerk and to give the County Judge authorization to sign.

All voted aye, motion carried.

7. CONSIDERATION OF PURCHASE OF VEHICLE FOR:

- a. Constable, Precinct #2
- b. Constable, Precinct #3

Comm. Beeson, seconded by Comm. Matthews, made a motion to purchase two (2) new vehicles for Constable, Precinct #2 and Constable, Precinct #3 in the amount of \$21,800.00 each with the combined amount of \$43,600.00.

All voted aye, motion carried.

8. CONSIDERATION TO APPLY FOR THE FY2010 CONGRESSIONAL APPROPRIATIONS ACT FOR THE STOP THE OFFENDER PROGRAM IN THE AMOUNT OF \$200,000.00

Comm. Matthews, seconded by Comm. Stringer, made a motion to apply for the FY2010 Congressional Appropriations Act for the Stop the Offender Program in the amount of \$200,000.00.

All voted aye, motion carried.

IX. NEW BUSINESS

17. CONSIDERATION OF AMENDED ELECTION DAY POLLING LOCATION FOR THE MAY 8, 2010 SPECIAL ELECTION TO INCORPORATE COYOTE FLATS

Comm. Beeson, seconded by Comm. Matthews, made a motion to amend the Election Day Polling Location for the May 8, 2010 Special Election to Incorporate Coyote Flats.

All voted aye, motion carried.

18. CONSIDERATION OF THE SPECIAL ELECTION, MAY 8, 2010:

- a. Early Voting Polling Locations
- b. Early Voting Head Clerks
- c. Election Day Polling Locations
- d. Election Day Election Judges

Comm. Stringer, seconded by Comm. Matthews, made a motion to approve the Special Election, May, 8, 2010 Early Voting Polling Locations, Early Voting Head Clerks, Election Day Polling Locations, and Election Day Election Judges.

All voted aye, motion carried.

19. CONSIDERATION OF RESOLUTION FOR JOINT ELECTION BETWEEN JOHNSON COUNTY AND JOHNSON COUNTY EMERGENCY SERVICES DISTRICT NO. 1

Comm. Stringer, seconded by Comm. Beeson, made a motion for the Resolution for Joint Election between Johnson County and Johnson County Emergency Services District No. 1 and to give the County Judge the authorization to sign.

All voted aye, motion carried.

20. CONSIDERATION OF JOINT ELECTION AGREEMENT BETWEEN JOHNSON COUNTY AND JOHNSON COUNTY EMERGENCY SERVICES DISTRICT NO.1

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the Joint Election Agreement between Johnson County and Johnson County Emergency Services District No. 1 and to give the County Judge the authorization to sign.

All voted aye, motion carried.

21. CONSIDERATION OF AUTOMARK LEASE AGREEMENT FOR THE MAY 8, 2010 ELECTION BETWEEN JOHNSON COUNTY AND:

a. Bethany Water Supply Corp.

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Automark Lease Agreement for the May 8, 2010 Election between Johnson County and Bethany Water Supply Corp. and to give the County Judge authorization to sign.

All voted aye, motion carried.

b. City of Cleburne

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Automark Lease Agreement for the May 8, 2010 Election between Johnson County and the City of Cleburne and to give the County Judge authorization to sign.

All voted aye, motion carried.

c. City of Rio Vista

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Automark Lease Agreement for the May 8, 2010 Election between Johnson County and the City of Rio Vista and to give the County Judge authorization to sign.

All voted aye, motion carried.

d. Town of Cross Timber

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Automark Lease Agreement for the May 8, 2010 Election between Johnson County and the Town of Cross Timber and to give the County Judge authorization to sign.

All voted aye, motion carried.

X. CONSENT AGENDA

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve all items on the Consent Agenda.

All voted aye, motion carried.

IX. NEW BUSINESS

12. CONSIDERATION OF FIRST AMENDMENT TO PERPETUAL LEASE FOR PIPELINE RIGHT OF WAY EASEMENT WITH TEXAS MIDSTREAM GAS SERVICES, L.L.C.-PRECINCT #2

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the First Amendment to Perpetual Lease for Pipeline Right of Way Easement with Texas Midstream Gas Services, L.L.C. in Precinct #2 and to give the County Judge authorization to sign.

All voted aye, motion carried.

13. CONSIDERATION OF COMMISSIONER'S COURT APPROVAL AND INTERLOCAL AGREEMENT WITH THE CITY OF GRANDVIEW FOR CRS-2 ROAD REPAIR MATERIAL-PRECINCT #4

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve Commissioner's Court Approval and the Interlocal Agreement with the City of Grandview for CRS-2 Road Repair Material in Precinct #4.

All voted aye, motion carried.

14. CONSIDERATION OF INCREASE OF DUMPSTER PICK-UP SERVICE FROM (1) ONE TO (2) TWO PICK-UPS PER WEEK WITH AN APPROXIMATE FEE INCREASE OF \$110.00 PER MONTH –PRECINCT #3

Comm. Stringer, seconded by Comm. Matthews, made a motion to increase the dumpster pick-up service from (1) one to (2) two pick-ups per week with an approximate fee increase of \$110.00 per month for Precinct #3 and to give the County Judge authorization to sign.

All voted aye, motion carried.

16. CONSIDERATION TO JOIN WITH THE CITY OF CLEBURNE TO ALLOW JOHNSON COUNTY RESIDENTS TO UTILIZE CLEBURNE'S ANNUAL HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT MAY 15, 2010 – PRECINCT #3

Comm. Stringer, seconded by Comm. Beeson, made a motion to allow Johnson County residents to utilize Cleburne's Annual Household Hazardous Waste Collection Event May 15, 2010 in Precinct #3.

All voted aye, motion carried.

Commissioner's Court went into Executive Session at 4:15 P.M. Commissioner's Court reconvened into open session at 4:28 P.M.

BE IT KNOWN that Commissioner's Court met in Executive Session at 4:15 P.M. in accordance with Government Code *Section. 551.072*-Real Property.

The Commissioner's Court re-convened into Open Session at 4:28 P.M. to consider the following:

XII. EXECUTIVE SESSION

1. Government Code:

1. *Sec. 551.072*-Real Property

No Action.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 4:29 P.M. on April 12, 2010.

Submitted by: _____
County Clerk
Becky Williams

Approved by: _____
County Judge
Roger Harmon