

STATE OF TEXAS

July 26, 2010

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 26th day of July, 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 Charles Payne, Pastor, Calvary Baptist 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 July 22, 2010 at 1:23 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.

V. PUBLIC PARTICIPATION

None.

VI. PUBIC HEARING

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

1. INSTALLATION OF STOP SIGN ON CR 704 AT THE INTERSECTION OF CR 705 IN JOHNSON COUNTY, PRECINCT #4

Commissioner Don Beeson, Precinct #4, spoke in favor of installing a stop sign on CR 704 at the intersection of CR 705 in Johnson County, Precinct #4. The hearing was closed at 9:20 A.M.

IX. NEW BUSINESS

23. CONSIDERATION TO PLACE THE SAM BASS OUTLAW AND STAGE COACH ROBBER TEXAS HISTORICAL MARKER NEXT TO THE CHISHOLM TRAIL TEXAS HISTORICAL MARKER AT 3425 CR 920 CROWLEY, TEXAS LOCATED AT THE INTERSECTION OF CR 920 AND FM 1902-PRECINCT #2

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve to place the Sam Bass Outlaw and Stage Coach Robber Texas Historical Marker next to the Chisholm Trail Texas Historical Marker at 3425 CR 920 Crowley, Texas, located at the intersection of CR 920 and FM 1902 in Precinct #2.

All voted aye; motion carried.

13. CONSIDERATION OF REIMBURSEMENT TO THE PECAN VALLEY MENTAL HEALTH AND MENTAL RETARDATION FOR REMODELING COSTS OF THE SHORT STREET APARTMENTS

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve reimbursement to the Pecan Valley Mental Health and Mental Retardation for remodeling costs of the Short Street Apartments for the balance in that account.

All voted aye; motion carried.

12. CONSIDERATION OF PURCHASE OF A VEHICLE FOR JUVENILE SERVICES OUT OF NON-COUNTY MONEY TO INCLUDE COUNTY INSURANCE COVERAGE THROUGH TAC

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the purchase of a vehicle for Juvenile Services out of non-county money to include county insurance coverage through TAC in the amount of \$22,318.62 and to be paid from the Probation Fees fund.

All voted aye; motion carried.

VII. PRECEDING BUSINESS

1. CONSIDERATION OF **ORDER #2010-17**- INSTALLATION OF STOP SIGN ON CR 704 AT THE INTERSECTION OF CR 705 IN JOHNSON COUNTY, PRECINCT #4

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve **Order #2010-17** to install a Stop Sign on CR 704 at the intersection of CR 705 in Johnson County, in Precinct #4.

2. CONSIDERATION OF MINUTES OF THE COMMISSIONER'S COURT:
 - a. March 22, 2010 – Regular Session
 - b. July 1, 2010 – Special Session

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the Commissioner's Court Minutes for March 22, 2010 and July 1, 2010.

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 OF **ORDER #2010-16** APPROVING THE JOHNSON COUNTY TREASURER'S REPORT TO THE COMMISSIONER'S COURT

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve **Order #2010-16** approving Johnson County Treasurer's Report to the Commissioner's Court.

All voted aye; motion carried.

6. CONSIDERATION TO GRANT VARIANCE TO LOT 13 IN **CADDO PEAK ESTATES**, PHASE 1-PRECINCT #2

Comm. Matthews, seconded by Comm. Stringer, made a motion to grant a variance to Lot 13 in **Caddo Peak Estates**, Phase 1 in Precinct #2.

All voted aye; motion carried.

7. CONSIDERATION OF RENEWAL OF **RFP #2008-170** WITH H.O.P.E. FOR ABUSE COUNSELING SERVICES FOR CSCD

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve of renewal of **RFP #2008-170** with H.O.P.E. for Abuse Counseling Services for CSCD.

All voted aye; motion carried.

8. CONSIDERATION OF RENEWAL OF MAINTENANCE AGREEMENT WITH XEROX FOR DC4305 COPIER-PURCHASING

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the renewal of Maintenance Agreement with Xerox for DC4305 copier for Purchasing Department and to give the County Judge the authorization to sign.

All voted aye; motion carried.

9. CONSIDERATION OF EMERGENCY REPAIR OF A ROAD IN THE 3200 BLOCK OF CHAMBERS AT SOUTH ELLIS ROAD WITH A COST OF UNDER \$25,000.00 PURSUANT TO LOCAL GOVERNMENT CODE SECTION 262.024-PRECINCT #3

Comm. Stringer, seconded by Comm. Matthews, made a motion to approve the emergency repair of a road in the 3200 block of Chambers at South Ellis Road with a cost of under \$25,000.00 pursuant to Local Government Code *Section 262.024* in Precinct #3.

All voted aye; motion carried.

VIII. UNFINISHED BUSINESS

4. CONSIDERATION OF RECURRING ITEMS CONCERNING MARKET SQUARE

Comm. Beeson, seconded by Comm. Bailey, made a motion to allow the vendors who are currently using Market Square to move their wares to the west side of the covered areas and that they be rented on a monthly basis with no permanent or overnight structures erected, effective September 1, 2010.

All voted aye; motion carried.

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

Discussion. No Action.

7. CONSIDERATION OF ADDENDUM NUMBER FIVE TO MANAGEMENT SERVICES CONTRACT BETWEEN JOHNSON COUNTY, TEXAS AND SOUTHWESTERN CORRECTIONAL, LLC, DOING BUSINESS AS LASALLE SOUTHWEST CORRECTIONS

Discussion. No Action.

8. CONSIDERATION OF ESTRAY ANIMAL SERVICES CONTRACT FOR JOHNSON COUNTY SHERIFF'S OFFICE

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Estray Animal Services Contract for Johnson County Sheriff's Office and to give the County Judge the authorization to sign.

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 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

Discussion. No Action.

The Commissioner's Court recessed at 10:38 A.M. and reconvened at 11:02 A.M. to consider the following:

IX. NEW BUSINESS

7. CONSIDERATION FOR USE OF TECH FUNDS MONIES TO FUND MONTHLY RECURRING EXPENSE TO SERVICE PROVIDER FOR VIDEO MAGISTRATION TO BE PERFORMED FROM JUDGE'S HOME-JUSTICE OF THE PEACE, PRECINCT #1

Comm. Bailey, seconded by Comm. Matthews, made a motion to approve the use of Tech Funds monies to fund monthly recurring expense to service provider for video magistration to be performed from Judge's home for Justice of the Peace, Precinct #1 in the amount of \$32.32 per month.

All voted aye; motion carried.

8. CONSIDERATION OF SPRINKLER SYSTEM FOR THE GROUNDS OF THE JUSTICE OF THE PEACE PRECINCT #1 BUILDING

Comm. Bailey, seconded by Comm. Matthews, made a motion to approve the sprinkler system for the grounds of the Justice of the Peace, Precinct #1 building and is to be paid from the Mineral Reserve fund.

Comm. Bailey voted aye.
Comm. Matthews voted aye.
Comm. Beeson voted aye.
Judge Harmon voted aye.
Comm. Stringer voted nay.

Motion carried.

9. CONSIDERATION OF RE-APPOINTMENT OF WAVA MCCULLOUGH TO THE PECAN VALLEY MENTAL HEALTH AND MENTAL RETARDATION REGION BOARD OF TRUSTEES

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the re-appointment of Wava McCullough to the Pecan Valley Mental Health and Mental Retardation Region Board of Trustees.

All voted aye; motion carried.

10. CONSIDERATION OF RE-APPOINTMENT OF COUNTY JUDGE ROGER HARMON AND COMMISSIONER PRECINCT #4 DON BEESON TO THE CLEBURNE TAX INCREMENT FINANCE #1 BOARD OF DIRECTORS

Comm. Stringer, seconded by Comm. Matthews, made a motion to approve the re-appointment of County Judge, Roger Harmon and Commissioner, Precinct #4, Don Beeson to the Cleburne Tax Increment Finance #1 Board of Directors for the term of July 13, 2010 to July 13, 2011.

All voted aye; motion carried.

11. CONSIDERATION OF QUETEL SOFTWARE SUPPORT AGREEMENT FOR THE JOHNSON COUNTY S.T.O.P. SPECIAL CRIMES UNIT

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the QueTel Software Support Agreement for the Johnson County S.T.O.P. Special Crimes Unit and to give the County Judge authorization to sign.

All voted aye; motion carried.

14. CONSIDERATION OF THE AP TECHNOLOGY MAINTENANCE AGREEMENT BETWEEN ACUPRINT, INC. (AP TECHNOLOGY) AND JOHNSON COUNTY, TEXAS FOR CHECK WRITING SOFTWARE-AUDITOR

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve the AP Technology Maintenance Agreement between AcuPrint, Inc. (AP Technology) and Johnson County, Texas for check writing software for Auditor's Office and to give the County Judge the authorization to sign.

All voted aye; motion carried.

15. CONSIDERATION TO TERMINATE THE INTERLOCAL AGREEMENT WITH THE CITY OF KEENE FOR REPAIRS TO CR 318-PRECINCT #4

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve to terminate the Interlocal Agreement with the City of Keene for Repairs to CR 318 in Precinct #4.

All voted aye; motion carried.

16. CONSIDERATION OF COMMISSIONER'S COURT APPROVAL AND INTERLOCAL AGREEMENT WITH THE CITY OF BURLESON TO RECLAIM AND SEAL COAT FOREST STREET-PRECINCT #2

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve Commissioner's Court Approval and Interlocal Agreement with the City of Burleson to reclaim and seal coat Forest Street in Precinct #2.

All voted aye; motion carried.

17. CONSIDERATION OF COMMISSIONER'S COURT APPROVAL AND INTERLOCAL AGREEMENT WITH THE CITY OF JOSHUA TO RECLAIM, SEAL COAT AND RECONSTRUCT 16TH STREET, CR 1023, FOREST LANE, LINDA DRIVE, SHADY BROOK COURT AND SPRING VALLEY LOCATED WITHIN THE CITY OF JOSHUA-PRECINCT #2

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve Commissioner's Court Approval and Interlocal Agreement with the City of Joshua to reclaim, seal coat and reconstruct 16th Street, CR 1023, Forest Lane, Linda Drive, Shady Brook Court and Spring Valley located within the City of Joshua in Precinct #2.

All voted aye; motion carried.

18. CONSIDERATION OF INTERLOCAL COOPERATION AGREEMENT BETWEEN JOHNSON COUNTY, TEXAS AND CLEBURNE INDEPENDENT SCHOOL DISTRICT REGARDING JOHNSON COUNTY'S PURCHASE FROM CLEBURNE INDEPENDENT SCHOOL DISTRICT THE REAL PROPERTY COMMONLY KNOWN AS BROWN GYM, BEING PART OF LOTS 17 AND 18, BLOCK 534, ACCORDING TO THE OFFICIAL MAP OF THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Interlocal Cooperation Agreement between Johnson County, Texas and Cleburne Independent School District regarding Johnson County's purchase from Cleburne Independent School District the real property commonly known as Brown Gym, being part of Lots 17 and 18, Block 534, according to the Official Map of the City of Cleburne, Johnson County, Texas and to give the County Judge the authorization to sign.

All voted aye; motion carried.

19. CONSIDERATION OF REAL ESTATE EARNEST MONEY CONTRACT BETWEEN JOHNSON COUNTY AND CLEBURNE INDEPENDENT SCHOOL DISTRICT FOR THE PURCHASE OF THE REAL PROPERTY COMMONLY KNOWN AS BROWN GYM, BEING PART OF LOTS 17 AND 18, BLOCK 534, ACCORDING TO THE OFFICIAL MAP OF THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Real Estate Earnest Money Contract between Johnson County and Cleburne Independent School District for the purchase of the real property commonly known as Brown Gym, being part of Lots 17 and 18, Block 534, according to the Official Map of the City of Cleburne, Johnson County, Texas and to give the County Judge the authorization to sign the Real Estate Earnest Money Contract and all documents necessary for closing.

All voted aye; motion carried.

20. CONSIDERATION OF THE SPECIAL WARRANTY DEED FROM CLEBURNE INDEPENDENT SCHOOL DISTRICT TO JOHNSON COUNTY REGARDING THE CONVEYANCE OF THE REAL PROPERTY COMMONLY KNOWN AS BROWN GYM, BEING PART OF LOTS 17 AND 18, BLOCK 534, ACCORDING TO THE OFFICIAL MAP OF THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Special Warranty Deed from Cleburne Independent School District to Johnson County regarding the conveyance of the real property commonly known as Brown Gym, being part of Lots 17 and 18, Block 534, according to the Official Map of the City of Cleburne, Johnson County, Texas and to give the County Judge the authorization to sign.

All voted aye; motion carried.

21. CONSIDERATION OF COOPERATIVE AGREEMENT BETWEEN THE OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF TEXAS, AND JOHNSON COUNTY, CONTRACT NO. 11-C0043-DISTRICT CLERK

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the Cooperative Agreement between the Office of the Attorney General of the State of Texas, and Johnson County, Contract No. 11-C0043 with the District Clerk's Office and to give the County Judge the authorization to sign.

All voted aye; motion carried.

22. CONSIDERATION OF PRODUCTION SHARING AGREEMENT,
BUCHANAN UNIT, WITH CHESAPEAKE, EXPLORATION, L.L.C.

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the Production Sharing Agreement, Buchanan Unit, with Chesapeake Exploration, L.L.C. subject to a decrease in the shut-in period to 90 days instead of 180 days and to give the County Judge the authorization to sign.

All voted aye; motion carried.

24. CONSIDERATION OF CONTINUATION CERTIFICATE BOND FOR ROY
GIDDENS, ASSISTANT DEPUTY TREASURER-TREASURER'S OFFICE

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Continuation Certificate Bond for Roy Giddens, Assistant Deputy Treasurer for the Treasurer's Office.

All voted aye; motion carried.

25. CONSIDERATION OF OFFICIAL BOND AND OATH FOR CASHAN E.
CLARK, DEPUTY CONSTABLE-CONSTABLE, PRECINCT #4

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the Official Bond and Oath for Cashan E. Clark, Deputy Constable for Constable, Precinct #4.

All voted aye; motion carried.

X. CONSENT AGENDA

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

All voted aye; motion carried.

VIII. UNFINISHED BUSINESS

7. CONSIDERATION OF ADDENDUM NUMBER FIVE TO MANAGEMENT SERVICES CONTRACT BETWEEN JOHNSON COUNTY, TEXAS AND SOUTHWESTERN CORRECTIONAL, LLC, DOING BUSINESS AS LASALLE SOUTHWEST CORRECTIONS

Discussion. No Action.

The Commissioner's Court recessed at 12:22 P.M. and reconvened at 1:50 P.M. to consider the following:

IX. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

No Action.

2. CONSIDERATION OF BUDGET AMENDMENT PURSUANT TO THE LOCAL GOVERNMENT CODE SECTION 111.0106 FOR:

- a. Road Repair Materials from the City of Cresson, Chesapeake Operating, Tx Midstream Gas Services and EOG Resources in the Total Amount of \$110,234.74-Road & Bridge, Precinct #2
- b. Vehicle Maintenance from TAC Insurance Claim in the Amount of \$7,607.00-Sheriff's Office ADM/Patrol

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the Budget Amendment pursuant to the Local Government Code *Section 111.0106* for road repair materials from the City of Cresson, Chesapeake Operating, Tx Midstream Gas Services and EOG Resources in the total amount of \$110,234.74 for Road & Bridge in Precinct #2 and for vehicle maintenance from TAC Insurance Claim in the amount of \$7,607.00 for the Sheriff's Office ADM/Patrol.

All voted aye; motion carried.

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

- a. Market Square Project-Create Fund
- b. Market Square Project-Fees & Services, Building Construction and Property Improvement
- c. Equipment Purchase Jail-Equipment Non-Capital
- d. Law Library-Law Books/Publications
- e. Constable Precinct #3-Personnel Salaries

Comm. Bailey, seconded by County Judge, made a motion to approve the Budget Amendment pursuant to the Local Government Code *Section 111.010-C* for Market Square Project, Create Fund transferred from General Fund in the amount of \$120,000.00; Market Square Project, Fees & Services, Building Construction, and Property Improvement to create an expense budget for the total amount of \$200,000.00 and requires Commissioner's Court approval on any additional expenditures over the already approved \$120,000.00; Equipment Purchase Jail, Equipment Non-Capital to purchase a replacement portable evaporative cooling unit fan in the amount of \$2,199.00; Law Library, Law Books/Publications for budget shortage in the amount of \$10,000.00; Constable Precinct #3, Personnel Salaries to correct original budget amount in the amount of \$29,150.00.

All voted aye; motion carried.

4. ACKNOWLEDGEMENT OF RECEIPT OF THE CENTRAL APPRAISAL DISTRICT PROPOSED BUDGET FOR YEAR 2011

The Commissioner's Court acknowledged the receipt of the Central Appraisal District Proposed Budget for Year 2011.

5. ACKNOWLEDGEMENT OF RECEIPT OF THE COUNTY TAX ASSESSOR/COLLECTORS REPORT OF THE EXCESS DEBT COLLECTIONS FOR THE 2009 TAX YEAR AND THE FMLR EXCESS DEBT COLLECTIONS FOR THE 2009 TAX YEAR

The Commissioner's Court acknowledged the receipt of the County Tax Assessor/Collector's Report of the Excess Debt Collections for the 2009 Tax Year and the FMLR Excess Debt Collections for the 2009 Tax Year.

6. CONSIDERATION OF BUDGET TRANSFERS FROM THE SALARY
ADJUSTMENT POOL LINE ITEM TO THE PERSONNEL SALARY LINE
ITEM FOR ALL DEPARTMENTS FOR THE MERIT INCREASE FOR FY2010

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the budget transfers from the salary adjustment pool line item to the personnel salary line item for all departments for the merit increase for FY2010 in the amount of \$264,970.00.

All voted aye; motion carried.

XI. WORKSHOP

The Commissioner's Court convened into Workshop Session at 2:02 P.M. to discuss ISS Department Status Report, Subdivision Rules & Regulations and the Budget.

The Commissioner's Court recessed at 3:10 P.M and reconvened July 27, 2010 at 9:20 A.M. to discuss the Budget.

The Commissioner's Court recessed at 10:47 A.M. and reconvened at 11:00 A.M. into Open Session to consider the following:

VIII. UNFINISHED BUSINESS

7. CONSIDERATION OF ADDENDUM NUMBER FIVE TO MANAGEMENT
SERVICES CONTRACT BETWEEN JOHNSON COUNTY, TEXAS AND
SOUTHWESTERN CORRECTIONAL, LLC, DOING BUSINESS AS
LASALLE SOUTHWEST CORRECTIONS

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve Addendum Number Five to Management Services Contract between Johnson County, Texas and Southwestern Correctional, LLC, doing business as LaSalle Southwest Corrections effective August 1, 2010 and to give the County Judge and the Sheriff the authorization to sign.

All voted aye; motion carried.

The Commissioner's Court recessed at 11:35 A.M. and reconvened at 1:29 P.M.

XI. WORKSHOP

The Commissioner's Court convened into Workshop Session at 1:29 P.M. to discuss the Budget.

The Commissioner's Court recessed at 4:03 P.M and reconvened July 28, 2010 at 1:12 P.M. to discuss the Budget.

The Commissioner's Court recessed at 1:50 P.M. and reconvened at 2:02 P.M.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 3:56 P.M.

Submitted by: _____
County Clerk
Becky Williams

Approved by: _____
County Judge
Roger Harmon