

STATE OF TEXAS

August 23, 2010

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 23rd day of August, 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 9:08 A.M., with all members present, and following the Invocation led by Bob. H. McAlister, Vice Chair of the Johnson County Historical Commission and the Pledge of Allegiance, the following items, having been lawfully posted and filed for record in the Office of the County Clerk on August 19, 2010 at 1:11 P.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

1. ANNOUNCEMENT: ON SEPTEMBER 27, 2010 AT 9:00 A.M. IN THE COMMISSIONER'S COURTROOM, JOHNSON COUNTY COURTHOUSE, CLEBURNE, TEXAS, THE COMMISSIONER'S COURT WILL HAVE A PUBLIC HEARING ON THE PROPOSED BUDGET FOR 2010-2011. THE COMMISSIONER'S COURT WILL ALSO VOTE ON THE BUDGET AND TAX RATE AT THAT SAME MEETING

Judge Harmon announced that on September 27, 2010 at 9:00 A.M. in the Commissioner's Courtroom, Johnson County Courthouse, Cleburne, Texas, the Commissioner's Court will have a public hearing on the Proposed Budget for 2010-2011 and will also vote on the Budget and Tax Rate at that same meeting.

V. PUBLIC PARTICIPATION

None.

VI. PUBLIC HEARINGS

The Commissioner's Court opened a Public Hearing at 9:10 A.M. to discuss:

1. LEASE OF COUNTY OWNED LAND FOR MINERAL DEVELOPMENT FOR A-124, C. CHANEY SURVEY: HARVEY S. WILSON ADDITION NORTH 3.105 ACRES, MORE OR LESS, SITUATED IN THE CHRISTOPHER CHANEY SURVEY, ABSTRACT NO. 124, JOHNSON COUNTY, TEXAS, KNOWN AS TRACT VII AND TRACT IX, AS DESCRIBED IN THAT CERTAIN SPECIAL WARRANTY DEED DATED SEPTEMBER 1, 2006, FROM JOHNSON COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER ALSO KNOWN AS JOHNSON COUNTY M.H.M.R. TO JOHNSON COUNTY, TEXAS, RECORDED IN VOLUME 3944, PAGE 275, OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS-PRECINCT #1

Commissioner Bailey spoke in favor of leasing County owned land for mineral development for A-124, C. Chaney Survey: Harvey S. Wilson Addition North 3.105 acres, more or less, situated in the Christopher Chaney Survey, Abstract No. 124, Johnson County, Texas, known as Tract VII and Tract IX, as described in that certain Special Warranty Deed dated September 1, 2006, from Johnson County Mental Health Mental Retardation Center also known as Johnson County M.H.M.R. to Johnson County, Texas, recorded in Volume 3944, Page 275, Official Public Records, Johnson County, Texas in Precinct #1. The hearing was closed at 9:11 A.M.

VII. PRECEDING BUSINESS

1. CONSIDERATION TO AWARD **RFB #2010-330**-LEASE OF COUNTY OWNED LAND FOR MINERAL DEVELOPMENT FOR A-124, C. CHANEY SURVEY: HARVEY S. WILSON ADDITION NORTH 3.105 ACRES, MORE OR LESS, SITUATED IN THE CHRISTOPHER CHANEY SURVEY, ABSTRACT NO. 124, JOHNSON COUNTY, TEXAS, KNOWN AS TRACT VII AND TRACT IX, AS DESCRIBED IN THAT CERTAIN SPECIAL WARRANTY DEED DATED SEPTEMBER 1, 2006 FROM JOHNSON COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER ALSO KNOWN AS JOHNSON COUNTY M.H.M.R. TO JOHNSON COUNTY, TEXAS, RECORDED IN VOLUME 3944, PAGE 275, OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS-PRECINCT #1

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve **RFB #2010-330** for the lease of County owned land for mineral development for A-124, C. Chaney Survey: Harvey S. Wilson Addition North 3.105 acres, more or less, situated in the Christopher Chaney Survey, Abstract No. 124, Johnson County, Texas known as Tract VII and Tract IX, as described in that certain Special Warranty Deed dated September 1, 2006 from Johnson County Mental Health Mental Retardation Center also known as Johnson County M.H.M.R. to Johnson County, Texas, recorded in Volume 3944, Page 275, Official Public Records, Johnson County, Texas in Precinct #1 for \$3,000.00 per acre and 25% royalty and to give the County Judge the authorization to sign.

All voted aye; motion carried.

2. CONSIDERATION OF MINUTES OF THE COMMISSIONER'S COURT:

a. May 28, 2010 – Emergency Session

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Commissioner's Court Minutes for May 28, 2010.

All voted aye; motion carried.

3. 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.

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 #2010-18** APPROVING THE JOHNSON COUNTY TREASURER'S REPORT TO THE COMMISSIONER'S COURT

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve **Order #2010-18** approving the Johnson County Treasurer's Report to the Commissioner's Court.

All voted aye; motion carried.

6. CONSIDERATION OF RE-PLAT OF FISHERMAN'S PARADISE LOT 14-R, BLOCK D BEING A REVISION OF LOT 13 AND LOT 14, BLOCK D-AND GRANT VARIANCE FOR SIDE AND BACK EASEMENTS OF 5', ROAD FRONTAGE OF 120' AND LOT SIZE OF .698 ACRE-PRECINCT #1

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the re-plat of **Fisherman's Paradise** Lot 14-R, Block D being a revision of Lot 13 and Lot 14, Block D and grant variance for side and back easements of 5', road frontage of 120' and lot size of .698 acre in Precinct #1.

All voted aye; motion carried.

7. CONSIDERATION OF RENEWAL OF RFB #2008-171-CULVERTS

Comm. Bailey, seconded by Comm. Matthews, made a motion to approve the renewal of **RFB #2008-171** for the purchase of culverts with Hood-Tex Pipe Company and with Contech Construction Products at the 2008 prices.

All voted aye; motion carried.

8. CONSIDERATION OF RENEWAL OF RFB #2009-223-CULVERT PIPE LINING

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the renewal of **RFB #2009-223** for the purchase of culvert pipe lining with K & L Supply Inc. at the 2009 pricing.

All voted aye; motion carried.

IX. NEW BUSINESS

13. CONSIDERATION TO REQUEST A WRITTEN REPORT FROM THE EMERGENCY SERVICES DISTRICT #1 REGARDING THE DISTRICT'S BUDGET, TAX RATE, AND DEBT SERVICE FOR THE PRECEDING FISCAL YEAR, PURSUANT TO CHAPTER 775, SECTION 775.036 (4) OF THE HEALTH AND SAFETY CODE

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve to request a written report from the Emergency Services District #1 regarding the District's budget, tax rate, and debt service for the preceding fiscal year, pursuant to Chapter 775, *Section 775.036 (4)* of the Health and Safety Code due to the Court by September 13, 2010 and if not provided by the due date, the Court will authorize Kirk Kirkpatrick, County Auditor to perform the audit.

All voted aye; motion carried.

14. CONSIDERATION OF EMERGENCY REPAIR OF THE DOTY HOUSE ROOF UNDER LOCAL GOVERNMENT CODE SECTION 262.024 (a)(2) IN THE AMOUNT OF \$17,268.00

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the emergency repair of the Doty House roof under Local Government Code *Section 262.024 (a)(2)* in the amount of \$17,268.00 with Action Commercial Contractors, Inc.

All voted aye; motion carried.

3. CONSIDERATION OF AGREEMENT TO PARTICIPATE IN THE ALVARADO TAX INCREMENT REINVESTMENT ZONE NO. 2

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the Agreement to Participate in the Alvarado Tax Increment Reinvestment Zone No. 2 as approved and adopted by the City of Alvarado and to give the County Judge the authorization to sign.

All voted aye; motion carried.



4. CONSIDERATION OF ORDER AUTHORIZING THE ISSUANCE OF JOHNSON COUNTY, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010, AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT, APPROVING AN OFFICIAL STATEMENT AND THE EXECUTION OF AN ESCROW AGREEMENT IN CONNECTION THEREWITH

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Order authorizing the issuance of Johnson County, Texas General Obligation Refunding Bonds, Series 2010, authorizing the execution of a Bond Purchase Agreement, approving an Official Statement and the execution of an Escrow Agreement in connection therewith and to give the County Judge the authorization to sign.

All vote aye; motion carried.

The Commissioner's Court recessed at 10:03 A.M and reconvened at 10:28 A.M. to consider the following:

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 to Accept the Texas Department of Public Safety 2010 Sub-Recipient Award for the Emergency Operations Center Grant Program in the Amount of \$750,000.00

Comm. Matthews, seconded by Comm. Beeson, made a motion to accept the Texas Department of Public Safety 2010 Sub-Recipient Award for the Emergency Operations Center Grant Program in the amount of \$750,000.00 and to give the County Judge the authorization to sign.

All voted aye; motion carried.

7. CONSIDERATION TO ACCEPT THE SECO STIMULUS AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) GRANT IN THE AMOUNT OF \$124,856.50

Comm. Matthews, seconded by Comm. Bailey, made a motion to accept the SECO Stimulus American Recovery and Reinvestment Act (ARRA) Grant in the amount of \$124,856.50 and to give the County Judge the authorization to sign.

All voted aye; motion carried.

#### IX. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

No Action.

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

- a. Building Repair & Maintenance-Doty House
- b. Building Repair & Maintenance-Guinn Justice Center
- c. Mineral Revenue Reserve-Non-Departmental
- d. Mineral Revenue Reserve-Non-Departmental
- e. Justice of the Peace, Precinct #1-Equipment Non-Capital
- f. Sheriff-Equipment Capital
- g. ISS-Personnel Salary

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 Building Repair & Maintenance, Doty House to replace the roof as emergency repairs as discussed in Commissioner's Court on June 28, 2010 in the amount of \$17,268.00; Building Repair & Maintenance, Guinn Justice Center for the repair of the chimney as approved in Commissioner's Court on August 9, 2010 in the amount of \$25, 878.00; Mineral Revenue Reserve, Non-Departmental transfer to Fund 019 Building Repair & Maintenance for chimney repair at the Guinn Justice Center in the amount of \$25,878.00; Mineral Revenue Reserve, Non-Departmental transfer to Fund 019 Building Repair & Maintenance for emergency roof repairs to Doty House in the amount of \$17,268.00; Justice of the Peace, Precinct #1, Equipment Non-Capital to purchase a mobile reversible easel-erase marker board with markers approved in Budget Workshop July 26, 2010 in the amount of \$660.00; Sheriff, Equipment Capital to purchase 2 Tahoes approved in Budget Workshop August 9, 2010 for the total amount of \$49,234.00; ISS, Personnel Salary, to change position #C10-001 Telecommunication Analyst with a salary of \$35,009.00 to position C04-006 Network Analyst with a salary of \$41,000.00 for an increase in salary in the amount of \$5,991.00.

All voted aye; motion carried.

5. CONSIDERATION OF REQUEST FOR FUNDING FOR THE JJAEP FUND 033 FOR THE REMAINDER OF FY 2010 AND FUNDING FOR 2011

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the request for funding for the JJAEP Fund 033 for the remainder of FY 2010 not to exceed \$42,000.00 and to be paid from the General Fund.

All voted aye; motion carried.

6. CONSIDERATION OF INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF CLEBURNE FOR THE DETENTION OF CITY PRISONERS

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the Interlocal Cooperation Agreement with the City of Cleburne for the detention of city prisoners and to give the County Judge the authorization to sign.

All voted aye; motion carried.

7. CONSIDERATION OF ORDER OF ELECTION FOR THE NOVEMBER 2, 2010 GENERAL ELECTION

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve the Order of Election for the November 2, 2010 General Election and to give the County Judge the authorization to sign.

All voted aye; motion carried.

8. CONSIDERATION OF THE NOVEMBER 2, 2010 GENERAL ELECTION:

- a. Early Voting Ballot Board
- b. Early Voting Head Clerks
- c. Early Voting Locations
- d. Election Day Judges
- e. Election Day Voting Locations

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the Early Voting Ballot Board, Early Voting Head Clerks, Early Voting Locations, Election Day Judges, and the Election Day Voting Locations for the November 2, 2010 General Election as attached to these minutes.

All voted aye; motion carried.

9. CONSIDERATION OF ELECTION DAY REPUBLICAN JUDGES AND DEMOCRATIC ALTERNATE JUDGES FOR A TWO YEAR TERM

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the Election Day Republican Judges and Democratic Alternate Judges for a two year term as attached to these minutes.

All voted aye; motion carried.

VII. PRECEDING BUSINESS

3. CONSIDERATION OF REQUEST TO PAY BILLS

Comm. Matthews, seconded by Comm. Stringer, made an amended motion to pay bills with the addition of a 1% refund in the amount of \$4,495.00 payable to the Texas Attorney General and for the real estate acquisition of Brown Gymnasium in the amount of \$225,851.00 payable to Stewart Title North Texas as presented by the County Auditor.

All voted aye; motion carried.

VIII. UNFINISHED BUSINESS

4. CONSIDERATION OF RECURRING ITEMS CONCERNING MARKET SQUARE

Discussion. No Action.

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

Discussion. No Action.

IX. NEW BUSINESS

10. CONSIDERATION OF PRODUCTION SHARING AGREEMENT RFS UNIT AND JIMENEZ UNIT WITH XTO ENERGY, INC. AND DEVON PRODUCTION COMPANY, L.P.

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve the Production Sharing Agreement RFS Unit and JIMENEZ Unit with XTO Energy, Inc. and Devon Production Company, L.P. and to give the County Judge the authorization to sign.

All voted aye; motion carried.

11. CONSIDERATION OF INTERLOCAL AGREEMENT BETWEEN THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS AND JOHNSON COUNTY FOR E9-1-1 SERVICE, EQUIPMENT, ADDRESSING AND DATABASE MAINTENANCE

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the Interlocal Agreement between the North Central Texas Council of Governments and Johnson County for E9-1-1 Service, Equipment, Addressing and Database Maintenance and to give the County Judge and Sheriff the authorization to sign.

All voted aye; motion carried.

12. CONSIDERATION OF WAIVER OF LIABILITY, RELEASE AND HOLD HARMLESS BY AND FOR PERSONS ENTERING INTO OR UTILIZING HAMM CREEK PARK AND ADJOINING OR ASSOCIATED PROPERTY (GENERAL WAIVER)

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the Waiver of Liability, Release, and Hold Harmless by and for Persons Entering into or Utilizing Hamm Creek Park and Adjoining or Associated Property (General Waiver).

All voted aye; motion carried.

X. CONSENT AGENDA

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

All voted aye; motion carried.

XI. WORKSHOP

The Commissioner's Court convened into Workshop Session at 11:21 A.M. to discuss the Budget.

The Commissioner's Court recessed at 12:22 P.M and reconvened at 1:29 P.M. to discuss the Budget.

The Commissioner's Court convened at 2:52 P.M. into Open Session.

Commissioner's Court went into Executive Session at 2:52 P.M.

**BE IT KNOWN** that Commissioner's Court met in Executive Session at 2:52 P.M. in accordance with Government Code *Section. 551.07-Consultation with Attorney-Contemplated Litigation.*

The Commissioner's Court convened into Open Session at 3:04 P.M. to consider the following:

XII. EXECUTIVE SESSION

1. Government Code:

a. *Sec. 551.071-Consultation with Attorney-Contemplated Litigation*

No Action.

XI. WORKSHOP

The Commissioner's Court convened into Workshop Session at 3:05 P.M. to discuss the Budget.

The Commissioner's Court convened at 3:06 P.M. into Open Session.

There being no further business before the Court concerning this agenda, Commissioner's  
Court adjourned at 3:06 P.M.

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

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