

STATE OF TEXAS

SEPTEMBER 27, 2004

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 27th day of September, 2004, the Honorable Commissioner's Court of Johnson County, Texas, met in regular session at the 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 9:05 A.M., with all members present, and following the Invocation led by Commissioner John Matthews, and the Pledge of Allegiance, the following items, having been lawfully posted and filed for record in the Office of the County Clerk on September 23rd, 2004 at 9:00 A.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

1. PROCLAMATION OF DOMESTIC VIOLENCE AWARENESS MONTH IN OCTOBER

The Commissioner's Court proclaimed the month of October as "Domestic Violence Awareness Month".

2. PROCLAMATION OF NATIONAL BUSINESS WOMEN'S WEEK

The Commissioner's Court proclaimed the week of October 18 – 22 as "National Business Women's Week".

3. PROCLAMATION OF CZECH HERITAGE MONTH IN OCTOBER

The Commissioner's Court proclaimed the month of October as "Czech Heritage Month".

V. PUBLIC PARTICIPATION

1. Becky Stringer, Geri Downs and Paul Woods all came before the Court and spoke for Victims Assistance Program.

VI. PUBLIC HEARING

1. PROPOSED BUDGET FY 2005

The Commissioner's Court opened the public hearing at 9:27 a.m. and there being no one to speak on the proposed budget, the hearing was closed at 9:28 a.m.

VII. PRECEDING BUSINESS

1. CONSIDERATION OF BUDGET AMENDMENT PURSUANT TO LOCAL GOVERNMENT CODE 111.0106-NON-DEPARTMENTAL FOR FEES AND SERVICES FOR AIRCHECK

Comm. Mc Fall, seconded by Comm. Matthews, made a motion to approve the budget non-departmental budget amendment in the amount of \$107,938.55 for fees and services for AirCheck.

All voted aye; motion carried.

2. CONSIDERATION OF REQUEST TO PAY BILLS

Comm. Mc Fall, seconded by Comm. Carpenter, made a motion to pay the bills as presented by the County Auditor with the addition of an invoice to Harris Welding for \$32,000.00 for bridge replacement in Precinct #4.

All voted aye; motion carried.

3. ACKNOWLEDGEMENT OF RECEIPT OF THE COUNTY AUDITORS REPORTS TO THE COMMISSIONERS COURT

The Commissioner's Court acknowledged receipt of the County Auditors reports.

4. CONSIDERATION OF NON-CONFORMING LOT AT 1436 RIVERVIEW DRIVE-PRECINCT #1

Comm. Mc Fall, seconded by Comm. Thompson, made a motion to approve the non-conforming lot at 1436 Riverview Drive in Precinct #1, pending the results of the septic tests are in compliance with the State.

All voted aye; motion carried.

5. CONSIDERATION TO AWARD BID:

a. RFP #2004-02-ROAD SIGNS AND ROAD MARKERS

Comm. Thompson, seconded by Comm. Carpenter, made a motion to award RFP #2004-02 for road signs to Osburn Associates of Cleburne and RFP #2004-02 for road markers to Centerline Supply of Grand Prairie.

All voted aye; motion carried.

VIII. UNFINISHED BUSINESS

1. CONSIDERATION OF ARCHITECTURAL DESIGN, SPECIFICATION, FINANCIAL PROGRAM REQUIREMENTS, AND CONTRACTS WITH MAGEE ARCHITECTS

a. GUINN JUSTICE CENTER

(1) Change Order No. Two-Johnson County Fiber Optics

b. JOHNSON COUNTY CORRECTION REMODELING POD II

c. JOHNSON COUNTY JAIL EXPANSION POD III

Discussion. No action.

The Commissioner's Court took a recess at 10:10 a.m. and reconvened at 10:35 to consider the following:

2. CONSIDERATION OF ARCHITECTURAL DESIGN, SPESIFICATION, FINANCIAL PROGRAM REQUIREMENTS, AND CONTRACT WITH ARCHITEXAS FOR RESTORATION OF JOHNSON COUNTY COURTHOUSE

a. RFQ #2005-03-CONSTRUCTION MANAGEMENT AT RISK

Comm. Matthews, seconded by Comm. Thompson, made a motion to go out for RFQ #2005-03-construction management at risk for the courthouse restoration and to include in the RFQ that a 5% bid security will be required with each bid.

All voted aye; motion carried.

VI. PUBLIC HEARING

2. NUISANCE ABATEMENT ON SWIMMING POOL LOCATED AT 5713 ROBERTS CIRCLE

The Commissioner's Court opened the public hearing at 11:00 a.m. Mr. Robert Wright's name was called three times by the County Clerk outside of the Commissioner's Court room and Mr. Wright was not present. Jim Simpson came before the court to present the statutes on what is deemed a public nuisance and notified the court that both Robert Wright and Teresa Sparks may hold interest in the property. There being no other comments, the hearing was closed at 11:10 a.m.

VII. PRECEDING BUSINESS

6. CONSIDERATION OF ABATEMENT OF NUISANCE AT 5713 ROBERTS CIRCLE, ALVARADO TEXAS

Comm. Carpenter, seconded by Comm. Thompson, made a motion that after notice is given to Teresa Sparks, and a hearing has been held, that the County will fill in the pool at 5713 Roberts Circle, in the Golden 60's Subdivision in Alvarado, and abate the nuisance and remove other trash.

All voted aye; motion carried.

IX. NEW BUSINESS

13. CONSIDERATION OF MUTUAL AID AGREEMENT WITH HOOD AND PARKER COUNTIES FOR THE PROTECTIONS OF LIFE AND

PROPERTY IN THE EVENT OF A DISTASTER AND/OR CIVIL
EMERGENCY

Comm. Mc Fall, seconded by Comm. Carpenter, made a motion to approve the mutual aid agreement with Hood and Parker Counties for the protection of life and property in the event of a disaster and/or civil emergency, giving the County Judge authorization to sign the agreement.

All voted aye; motion carried.

BE IT KNOWN that the Commissioner's Court met in Executive Session at 11:20 a.m. pursuant to Government Code *Section 551.071*-Consultation with Attorney-Contemplated Litigation. The Commissioner's Court reconvened into Open Session at 1:45 p.m. to consider the following:

IX. NEW BUSINESS

4. CONSIDERATION OF CONTRACTS FOR PRE AND/OR POST ADJUDICATION FACILITIES, COUNSELING SERVICES AND TREATMENT SERVICES WITH:
 - a. Bowie County – Post Adjudication – Residential Placement
 - b. Garza County – Pre & Post Adjudication
 - c. Star Council – Drug Treatment Program
 - d. Hays County – Pre & Post Adjudication
 - e. Limestone County – Pre Adjudication – Detention
 - f. AccuChem Laboratory – Drug Testing
 - g. Grayson County – Pre & Post Adjudication

Comm. Matthews, seconded by Comm. Carpenter, made a motion to approve all of the contracts presented for pre and/or post adjudication facilities, counseling services and treatment services, giving the County Judge authorization to sign the contracts.

All voted aye; motion carried.

5. CONSIDERATION OF INTERLOCAL AGREEMENT WITH SOMERVELL AND JOHNSON COUNTIES FOR JUVENILE SERVICES

Comm. Mc Fall, seconded by Comm. Thompson, made a motion to approve the inter-local agreement with Somervell and Johnson counties for Juvenile Services, giving the County Judge authorization to sign the agreement.

All voted aye; motion carried.

9. CONSIDERATION OF TAX COLLECTION CONTRACT WITH THE TAX ASSESSOR/COLLECTORS OFFICE

- a. Hill College Campus
- b. City of Alvarado
- c. City of Grandview
- d. City of Keene
- e. Alvarado Independent School District
- f. Burleson Independent School District
- g. Cleburne Independent School District
- h. Godley Independent School District
- i. Grandview Independent School District
- j. Rio Vista Independent School District
- k. Venus Independent School District
- l. City of Cleburne
- m. Keene Independent School District
- n. Emergency Service District #1

Comm. Thompson, seconded by Comm. Mc Fall, made a motion to approve all of the tax collection contracts presented.

All voted aye; motion carried.

The Commissioner's Court went into workshop session at 2:00 p.m. to re-negotiate the contract with Careflite for Ground Ambulance Service for Johnson County. The Commissioner's Court recessed at 3:03 p.m. and reconvened at 3:40 p.m. where they went back into Open Session to consider the following:

VIII. UNFINISHED BUSINESS

3. CONSIDERATION OF ORDER OF THE DISTRICT JUDGES TO SET SALARIES OF AUDITORS OFFICE AS REQUIRED BY LOCAL GOVERNMENT CODE SEC. 152.905.

Comm. Matthews, seconded by Comm. Mc Fall, made a motion to approve the salaries for the Auditors Office, set by the District Judges as required by Local Government Code Sec. 152.905.

All voted aye; motion carried.

4. CONSIDERATION TO ADOPT BUDGET FY 2005

Comm. Thompson, seconded by Comm. Carpenter, made a motion to approve the budget for the 2005 fiscal year as presented.

All voted aye; motion carried.

5. CONSIDERATION TO ADOPT TAX RATE FY 2005

Comm. Mc Fall, seconded by Comm. Matthews, made a motion to approve the following as the tax rate for the 2005 fiscal year.

Total General Rate	0.351575
Total Debt Rate	0.030513
Total Lateral Road Rate	0.052790
Total Proposed County Tax Rate	0.434878

The Commissioner's voted by a hand vote:

Comm. R.C. Mc Fall	Aye
Comm. John Matthews	Aye
Comm. Mark Carpenter	Aye
Comm. Troy Thompson	Aye
County Judge Roger Harmon	Aye

All voted aye; by unanimous hand vote; motion carried.

6. CONSIDERATION OF AGREEMENT WITH JUDGE JUDY DAVIS FOR COURT ARRAIGNMENTS IN THE ABSENCE OF A JUSTICE OF THE PEACE

Comm. Thompson, seconded by Comm. Carpenter, made a motion to approve the agreement with Judge Judy Davis to perform court arraignments in the absence of a Justice of the Peace at the rate of \$50 per day.

All voted aye; motion carried.

7. CONSIDERATION OF CONTRACT WITH ACS GOVERNMENT RECORDS FOR RECORD BOOK RECREATION IN THE COUNTY CLERK'S OFFICE

Comm. Thompson, seconded by Comm. Carpenter, made a motion to approve the contract with ACS Government Records for record book recreation in the County Clerk's office, giving Roger Harmon, County Judge and Curtis H. Douglas, County Clerk authorization to sign.

All voted aye; motion carried.

8. CONSIDERATION OF REQUEST OF APPOINTMENT TO THE JOHNSON COUNTY HISTORICAL COMMISSION

Comm. Mc Fall, seconded by Comm. Matthews, made a motion to approve the appointment of Dan Jackson to the Johnson County Historical Commission.

All voted aye; motion carried.

9. CONSIDERATION OF RE-NEGOTIATION OF CONTRACT WITH CAREFLITE FOR GROUND AMBULANCE SERVICES FOR JOHNSON COUNTY

Pass.

10. CONSIDERATION OF GRANT AWARD AGREEMENT FOR HELP AMERICA VOTE ACT (HAVA) AND RESOLUTION

Comm. Matthews, seconded by Comm. Mc Fall, made a motion to approve the grant award agreement for Help America Vote Act (HAVA) and to approve the resolution.

All voted aye; motion carried.

IX. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPSAL:

Comm. Thompson, seconded by Comm. Matthews, made a motion to go out for a sealed sale bid for a wrecked Bobcat Truck in Pct. #2 and to go out for a new/used Gradeall with a lease to own option in Pct. #3.

All voted aye; motion carried.

2. CONSIDERATION TO ADVERTISE FOR RFB #2005-02-SALE OF BRIDGE TIMBER – AND SET OPENING DATE AS OCTOBER 18, 2004-PRECINCT #4

Comm. Thompson, seconded by Comm. Carpenter, made a motion to advertise for RFB #2005-02 for the sale of bridge timber in Precinct #4 and to set the opening date for October 18, 2004.

All voted aye; motion carried.

3. CONSIDERATION TO UTILIZE TARRANT COUNTY INTER-LOCAL AGREEMENT TO PURCHASE ALL OFFICE SUPPLIES FROM CORPORATE EXPRESS AND ALLOW THEM TO DELIEVER TO INDIVIDUAL DEPARTMENTS OF THE COUNTY

Comm. Matthew, seconded by Comm. Carpenter, made a motion to utilize Tarrant County inter-local agreement to purchase all office supplies from Corporate Express and allow them to deliver to individual departments of the County.

All voted aye; motion carried.

VII. PRECEDING BUSINESS

2. CONSIDERATION TO PAY BILLS

Comm. Mc Fall amended his motion to include an invoice to the National District Attorney's Association (NDAA) in the amount of \$2173.00 for

professional liability insurance for District Attorney Dale Hanna. Comm. Carpenter amended his second.

All voted aye; motion carried.

IX. NEW BUSINESS

6. CONSIDERATION OF OFFICIAL BOND AND OATH OF:

- a. Weldon Don Baker, Deputy Constable, Precinct #2
- b. Charles C. Grover, Deputy Constable, Precinct #2

Comm. Matthews, seconded by Comm. Thompson, made a motion to approve the bond and oath of Weldon Don Baker, Deputy Constable, Precinct #2 and Charles C. Grover, Deputy Constable, Precinct #2

All voted aye; motion carried.

8. CONSIDERATION OF ACCEPTANCE OF OFFER FOR LAND FOR ROW ACQUISITION ON FM 917-PRECINCT #3

Comm. Carpenter, seconded by Comm. Thompson, made a motion to accept the offer for land for ROW acquisition on FM 917 in Precinct #3.

All voted aye; motion carried.

10. CONSIDERATION OF PERMITS TO DAWSON GEOPHYSICAL COMPANY FOR GEOPHYSICAL SURVEYING

Comm. Thompson, seconded by Comm. Carpenter, made a motion to approve the permits to Dawson Geophysical Company for geophysical surveying, giving the County Judge authorization to sign the permits.

All voted aye; motion carried.

11. CONSIDERATION OF INTERLOCAL AGREEMENT FOR PAVING WITH ALVARADO ISD-PRECINCT #3

Comm. Carpenter, seconded by Comm. Thompson, made a motion to approve the inter-local agreement for paving with Alvarado ISD in Precinct #3.

All voted aye; motion carried.

12. CONSIDERATION OF INTERLOCAL AGREEMENT FOR ROAD REPAIRS WITH THE CITY OF KEENE-PRECINCT #4

Comm. Thompson, seconded by Comm. Carpenter, made a motion to approve the inter-local agreement for road repairs with the City of Keene in Precinct #4.

All voted aye; motion carried.

X. CONSENT AGENDA

Comm. Matthews, seconded by Comm. Thompson, made a motion to approve the Consent Agenda as submitted with the inclusion of the dollar amount for the base material from Hallwood Energy Corporation in Precinct #1 of \$10,000.00

All voted aye; motion carried.

The Commissioner's Court went into workshop session at 4:00 p.m. to discuss a policy involving transfers of salary from one position to another within departments and standard charges for inter-local agreements with all precincts.

BE IT KNOWN that the Commissioner's Court met in Executive Session at 4:25 p.m. pursuant to Government Code *Section 551.07*-Personnel- Sheriff's Office. The Commissioner's Court reconvened into Open Session at 4:45 p.m. to consider the following:

VIII. UNFINISHED BUSINESS

12. CONSIDERATION OF POLICY INVOLVING TRANSFERS OF SALARY FROM ONE POSITION TO ANOTHER WITHIN DEPARTMENTS

Comm. Thompson, seconded by Comm. Mc Fall, made a motion that salaries and job classification as approved by Commissioners Court for all budgeted positions for fiscal year 2004-2005 will remain as set for the duration of the fiscal year. Unless there is an extreme circumstance as determined by the Commissioners Court, the Court will not consider requests for salary increases or job re-classifications until next year's budget process.

All voted aye; motion carried.

IX. NEW BUSINESS

7. CONSIDERATION OF STANDARD CHARGES FOR INTERLOCAL AGREEMENTS WITHIN ALL PRECINCTS

No Action.

XII. EXECUTIVE SESSION

1. GOVERNMENT CODE:

b. Sec. 551.071 – Consultation with Attorney

(1) Contemplated Litigation

Comm. Thompson, seconded by Comm. Carpenter, made a motion to give Curtis H. Douglas, County Clerk, authorization to issue a check to Levels Food Store in the amount of \$465.37.

All voted aye; motion carried.

a. Sec. 551.074 – Personnel –

(1) Sheriff's Office

- a. Michael Gaundet
- b. James Dorsey
- c. Mark Thompson
- d. David Petrusaitis

Comm. Mc Fall, seconded by Comm.

Matthews made a motion to approve the salary increase of Michael Gaudet to \$35,000.00, James Dorsey to \$30,575.00, Mark Thompson to 30,628.00 and David Petrusaitis to \$30,261.00 effective October 13, 2004.

All voted aye; motion carried.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 4:50 p.m. on the same date.

Submitted by: _____
Curtis H. Douglas
County Clerk

Approved by: _____
Roger Harmon
County Judge