

STATE OF TEXAS

OCTOBER 25, 2004

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 25th day of October, 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 9:00 A.M., with all members present, and following the Invocation led by Commissioner Troy Thompson, and the Pledge of Allegiance, the following items, having been lawfully posted and filed for record in the Office of the County Clerk on October 21, 2004 at 8:41 A.M. were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

1. QUARTERLY REPORT OF THE JOHNSON COUNTY ECONOMIC DEVELOPMENT COMMISSION

Mark Willis, Director of the Johnson County Economic Development Commission was present to present the quarterly report to the Commissioner's Court.

2. PRESENTATION BY THE FISHERMAN'S PARADISE BRAZOS RIVER PARK COMMITTEE

George Wood, Project Chairman of the Fisherman's Paradise Brazos River Park Committee was present to address the court.

V. PUBLIC PARTICIPATION

None.

VI. PUBLIC HEARING

1. Creation of the Johnson County Road District No. 1 in Accordance with Section 257.021 of the Texas Transportation Code – Precinct #3

The Commissioner's Court opened the public hearing at 9:52 a.m. and Tripp Davenport, Attorney with Delgado, Acosta, Braden & Jones P.C. was present to address the Court on the Johnson County Road District No. 1. There being no other public comments, the hearing was closed at 9:55 a.m.

VII. PRECEDING BUSINESS

1. CONSIDERATION OF ORDER CREATING THE JOHNSON COUNTY ROAD DISTRICT NO. 1 IN ACCORDANCE WITH SECTION 257.021 OF THE TEXAS TRANSPORTATION CODE AND ANY OTHER MATTERS RELATED THERETO PRECINCT #3

Comm. Carpenter, seconded by Comm. Thompson, made a motion to approve the Order creating the Johnson County Road District No. 1 in Precinct #3 in accordance with *Section 257.021* of the Texas Transportation Code and giving the County Judge authorization to sign the order.

All voted aye; motion carried.

2. CONSIDERATION OF MINUTES OF THE COMMISSIONERS COURT:
 - a. October 11, 2004 – Regular Session

Comm. Carpenter, seconded by Comm. Mc Fall, made a motion to approve the minutes of the Commissioner's Court for October 11, 2004 as presented by the County Clerk.

All voted aye; motion carried.

3. CONSIDERATION OF ROLL-OVER BUDGET FOR EQUIPMENT BUDGETS

Comm. Thompson, seconded by Comm. Mc Fall, made a motion to table this item.

All voted aye; motion carried.

4. CONSIDERATION OF BUDGET AMENDMENT PURSUANT TO SECTION 111.010C OF THE LOCAL GOVERNMENT CODE CONCERNING SHERIFF/JAIL-DETENTION FEES

Comm. Thompson, seconded by Comm. Matthews, made a motion to approve the budget amendment for \$50,000.00 for detention fees for the Sheriff's Office.

All voted aye; motion carried.

5. CONSIDERATION OF REQUEST TO PAY BILLS

Comm. Carpenter, seconded by Comm. Matthews, made a motion to pay the bills as presented by the County Auditor.

All voted aye; motion carried.

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

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

VIII. UNFINISHED BUSINESS

1. CONSIDERATION OF ARCHITECTURAL DESIGN, SPECIFICATION, FINANCIAL PROGRAM REQUIREMENTS, AND CONTRACTS:

a. GUINN JUSTICE CENTER

(1) Purchase of X-Ray Inspection System

b. JOHNSON COUNTY CORRECTION REMODELING POD II

c. JOHNSON COUNTY JAIL EXPANSION POD III

Discussion. No action taken.

IX. NEW BUSINESS

4. CONSIDERATION TO ELIMINATE POSITION OF COURT COORDINATOR IN THE 413TH DISTRICT COURT AND CREATE NEW BALIFF POSITION

Comm. Mc Fall, seconded by Comm. Carpenter, made a motion to table this item.

All voted aye; motion carried.

2. CONSIDERATION TO RENEW CONTRACT WITH PERDUE, BRANDON, FIELDER, COLLINS AND MOTT AS THE DELINQUENT TAX LAW FIRM FOR JOHNSON COUNTY

Comm. Carpenter, seconded by Comm. Thompson, made a motion to approve the renewal of the contract with Perdue, Brandon, Fielder, Collins and Mott as the delinquent tax law firm for Johnson County.

All voted aye; motion carried.

The Commissioner's Court recessed at 10:45 a.m. and reconvened at 11:00 a.m. to consider the following:

IX. NEW BUSINESS

12. CONSIDERATION OF APPEAL REGARDING OSSF #S08421 ISSUED TO DORRIS FRIESEN BY PUBLIC WORKS DEPARTMENT OF JOHNSON COUNTY ON MARCH 11, 2004 – PRECINCT #4

Robyn Farrell was present to appeal the decision of the Public Works Department. Mr. Friesen was present to address the court as well.

A motion was made by Comm. Thompson, seconded by Comm. Carpenter, to allow the permit to stand with the understanding that all units will have water saving devices.

All voted aye; motion carried.

VIII. UNFINISHED BUSINESS

5. CONSIDERATION OF INTERLOCAL AGREEMENT BETWEEN JOHNSON COUNTY AND THE CITY OF GRAND PRAIRIE FOR REGULATION OF PLATTING, DRAINAGE, ROAD CONSTRUCTION AND ASSOCIATED ISSUES IN THE ETJ OF GRAND PRAIRIE PURSUANT TO THE TEXAS LOCAL GOVERNMENT CODE SECTION 242.001

Comm. Carpenter, seconded by Comm. Matthews, made a motion to approve the interlocal agreement between Johnson County and the City of Grand Prairie for regulation of platting, drainage, road constructions and associated issues in the ETJ of Grand Prairie pursuant to the Texas Local Government Code *Section 242.001* and permission for the County Judge to sign the agreement.

All voted aye; motion carried.

The Commissioner's Court recessed at 11:55 a.m. and reconvened at 1:05 p.m. with all members present except for Comm. Troy Thompson. The Commissioner's went directly into Workshop Session to discuss the City of Burleson using space at the Ron Harmon Burleson Sub-Courthouse.

The Commissioner's Court went back into Open Session at 1:35 p.m. to consider the following:

VIII. UNFINISHED BUSINESS

1. CONSIDERATION OF ARCHITECTURAL DESIGN, SPECIFICATION, FINANCIAL PROGRAM REQUIREMENTS, AND CONTRACTS:
 - a. GUINN JUSTICE CENTER
 - (2) Purchase of Three (3) Tilt and Zoom Cameras in Hallways and Two (2) Stationary Cameras in Sally Port and Front Door

Comm. Mc Fall, seconded by Comm. Carpenter,
made a motion to table this item.

All voted aye; motion carried.

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

a. CONSIDERATION TO HIRE A FIRM TO SURVEY THE
COURTHOUSE PROPERTY

Comm. Carpenter, seconded by Comm. Mc Fall, made a
motion to hire a firm to survey the Courthouse property.

All voted aye; motion carried.

3. CONSIDERATION OF ALLOWING CITY OF BURLESON TO USE
SPACE AT THE RON HARMON BURLESON SUB-COURTHOUSE

This item was tabled.

4. CONSIDERATION OF PERMITS TO DAWSON GEOPHYSICAL
COMPANY FOR GEOPHYSICAL SURVEYING – PRECINCT #1 AND
PRECINCT #4

Comm. Mc Fall, seconded by Comm. Matthews, made a motion to
approve the permits to Dawson Geophysical Company for geophysical surveying in
Precinct #1 and Precinct #4 giving Roger Harmon, County Judge and Neal Welch, Public
Works Director authorization to sign the permits.

All voted aye; motion carried.

6. CONSIDERATION OF EXTENDED WARRANTY AN SERVICE
AGREEMENT FOR ELEVATORS IN GUINN JUSTICE CENTER
INCLUDING BUT NOT LIMITED TO SCHINDLER ELEVATOR
CORPORATION

Comm. Mc Fall, seconded by Comm. Matthews, made a motion to approve the extended warranty and service agreement for elevators in the Guinn Justice Center including but not limited to Schindler Elevator Corporation

All voted aye; motion carried.

7. CONSIDERATION OF SERVICE AGREEMENT FOR ELEVATOR IN JOHNSON COUNTY COURTHOUSE ANNEX INCLUDING BUT NOT LIMITED TO THYSSENKRUPP ELEVATOR CORPORATION

No action.

IX. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSAL

Comm. Carpenter, seconded by Comm. Mc Fall, made a motion to go out for bids for a new X-Ray machine for the Guinn Justice Center, an RFP for a consultant to analyze hazardous materials in the Courthouse and to re-bid the sale of a wrecked vehicle from Precinct #2 reducing the minimum bid to \$1,000.00.

All voted aye; motion carried.

3. CONSIDERATION OF HOLIDAYS FOR THE CALENDAR YEAR OF 2005 FOR JOHNSON COUNTY

Comm. Matthews, seconded by Comm. Mc Fall, made a motion to approve the holidays for the 2005 calendar year for Johnson County as presented.

All voted aye; motion carried.

5. CONSIDERATION OF GUINN JUSTICE CENTER AS AN AUXILIARY COURTHOUSE FOR JOHNSON COUNTY

Comm. Carpenter, seconded by Comm. Matthews, made a motion to approve Order # 2004-09 declaring the Guinn Justice Center as an auxiliary Courthouse for Johnson County.

All voted aye; motion carried.

7. CONSIDERATION OF INTERLOCAL AGREEMENT WITH THE CITY OF JOSHUA FOR RE-CONSTRUCTION OF CR 905 – PRECINCT #1

Comm. Mc Fall, seconded by Comm. Carpenter, made a motion to approve the inter-local agreement in the amount of \$51,740.00 with the City of Joshua for the re-construction of CR 905 in Precinct #1.

All voted aye; motion carried.

8. CONSIDERATION OF INTERLOCAL AGREEMENT WITH THE CITY OF ALVARADO FOR PAVING OF ALVARADO PUBLIC LIBRARY PARKING LOT – PRECINCT #3

Comm. Carpenter, seconded by Comm. Mc Fall, made a motion to approve the inter-local agreement in the amount of \$3,121.30 with the City of Alvarado for the paving of the Alvarado Public Library parking lot in Precinct #3.

All voted aye; motion carried.

CONSENT AGENDA

Comm. Mc Fall, seconded by Comm. Carpenter, made a motion to approve the Consent Agenda as submitted.

All voted aye; motion carried.

The Commissioner's Court recessed at 2:00 p.m. on Monday, October 25, 2004 and reconvened at 1:12 p.m. on Tuesday, October 26, 2004, with all members present except for Comm. Troy Thompson to consider the following:

IX. NEW BUSINESS

6. CONSIDERATION OF TEMPORARILY MOVING THE COUNTY CLERK'S RECORDING SECTION INTO THE VACATED COUNTY CLERK COURT SECTION

Comm. Carpenter, seconded by Comm. Mc Fall, made a motion to approve temporarily moving the County Clerk's Recording Section into the vacated County Clerk Court Section.

All voted aye; motion carried.

9. CONSIDERATION OF RESOLUTION FOR 2005 INDIGENT DEFENSE GRANT

Comm. Matthews, seconded by Comm. Mc Fall, made a motion to approve the resolution for the 2005 Indigent Defense Grant.

All voted aye; motion carried.

The Commissioner's Court went into Workshop Session at 1:25 p.m. to discuss modifying the existing policy for overtime pay in the Sheriff's Office.

The Commissioner's went back into Open Session at 2:15 p.m. to consider the following:

VIII. UNFINISHED BUSINESS

1 CONSIDERATION OF ARCHITECTURAL DESIGN, SPECIFICATION, FINANCIAL PROGRAM REQUIREMENTS, AND CONTRACTS:

a. GUINN JUSTICE CENTER

(1) Purchase of X-Ray Inspection System

Comm. Matthews, seconded by Comm. Carpenter, made a motion to approve the purchase of a High-scan 60 – 40 D X-Ray inspection system from Smith's Detection in the amount of \$23,245.00 purchased off state contract.

All voted aye; motion carried.

BE IT KNOWN that the Commissioner's Court met in Executive Session at 2:25 p.m. pursuant to Government Code *Section 551.074*-Personnel- Precinct #1 – Tim Byers.

The Commissioner's Court reconvened into Open Session at 2:35 p.m. to consider the following:

XII. EXECUTIVE SESSION

1. GOVERNMENT CODE:

a. Sec. 551.074 – Personnel – Sheriff's Office

Comm. Mc Fall, seconded by Comm. Carpenter, made a motion to move Tim Byers from Equipment Operator 3 to Assistant Foreman with salary grade 15 at \$36,280, effective October 25, 2004.

All voted aye; motion carried.

IX. NEW BUSINESS

11. CONSIDERATION TO MODIFY EXISTING POLICY FOR OVERTIME PAY IN SHERIFF'S OFFICE

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

All voted aye; motion carried.

10. CONSIDERATION OF RECORDS MANAGEMENT STORAGE FOR JOHNSON COUNY

Comm. Carpenter, seconded by Comm. Mc Fall, made a motion to table this item.

All voted aye; motion carried.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 2:37 p.m. on Tuesday, October 26, 2004.

Submitted by: _____
Curtis H. Douglas
County Clerk

Approved by: _____
Roger Harmon
County Judge