

STATE OF TEXAS

August 22, 2005

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 22<sup>nd</sup> day of August, 2005, 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 County Judge Roger Harmon and the Pledge of Allegiance, the following items, having been lawfully posted and filed for record with the County Clerk on August 18, 2005 at 1:02 P.M. and an addendum filed on August 19, 2005 at 8:29 A.M. were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

Comm. McFall publicly thanked Commissioners Carpenter and Matthews for their help on a road project.

1. Resolution for National Preparedness Month

The County Judge read a resolution for National Preparedness Month.

V. PUBLIC PARTICIPATION

None

VI. PRECEDING BUSINESS

1. Consideration of Minutes of the Commissioners Court:

- a. July 25, 2005-Regular Session
- b. August 8, 2005-Regular Session

Comm. McFall, seconded by Comm. Matthews, made a motion to approve the minutes of the Commissioner's Court for July 25, 2005 and August 8, 2005 as submitted by the County Clerk.

All voted aye; motion carried.

2. CONSIDERATION OF BUDGET AMENDMENT PURSUANT TO LOCAL GOVERNMENT CODE 111.010C FOR CAPITAL BUILDING PROJECTS

Comm. McFall, seconded by Com. Thompson, made a motion to approve a budget amendment in the amount of \$79,814.20 for capital building projects pursuant to *Local Government Code 111.010C*.

All voted aye; motion carried.

3. CONSIDERATION OF REQUEST TO PAY BILLS

Comm. Thompson, seconded by Comm. Carpenter, made a motion to approve to pay the bills as presented by the County Auditor with the addition of an invoice to the City of Cleburne in the amount of \$1,480.00 for waste removal.

All voted aye; motion carried.

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

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

5. CONSIDERATION TO APPROVE FINAL PLAT IN LK'S MEADOWS, LOT 1, AND 2 WITH LOT 1 BEING NON-CONFORMING-PRECINT #1

Comm. McFall, seconded by Comm. Carpenter made a motion to approve the Final Plat in LK's Meadows, lot 1 and 2 with lot 1 being non-conforming, and with the provision that there be no further dividing of the lots in Precinct # 1.

All voted aye; motion carried.

6. CONSIDERATION TO ALLOW CONVEYANCE OF A PORTION OF A PREVIOUSLY PLATTED LOT IN **BRIARWOOD COUNTRY ESTATES**, BLOCK 6, LOTS 9-11 BY METES AND BOUNDS DESCRIPTION WITHOUT REVISING THE PLAT PUSUANT TO SECTION 232.010 OF THE LOCAL GOVERNMENT CODE-PRECINCT #3

Comm. Carpenter, seconded by Comm. Thompson made a motion to approve the conveyance by metes and bounds of a portion of a previously platted lot in Briarwood Country Estates, Block 6, Lots 9-11 in Precinct #3.

All voted aye; motion carried.

7. CONSIDERATION OF GEOPHYSICAL SURVEY WITH WILLIAMS PRODUCTION GULF COAST COMPANY-PRECINCT #4

Comm. Thompson, seconded by Comm. Carpenter, made a motion to approve the geophysical survey with Williams Production Gulf Coast Company in Precinct #4.

All voted aye; motion carried.

8. CONSIDERATION TO RENEW BID **RFB #2004-29- PEST CONTROL WITH DOUBLE D TERMITE & PEST CONTROL FOR THE TERM OF AUGUST 1, 2005 TO JULY 31, 2006**

Comm. Thompson, seconded by Comm. Carpenter made a motion to renew Bid RFB #2004-29 for pest control with Double D Termite and Pest Control for the term of August 1, 2005 to July 31, 2006 and to give the County Judge authorization to sign.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

5. CONSIDERATION OF CONTRACT FOR COLLECTION OF PAST DUE RECEIVABLES FOR AMBULANCE SERVICES WITH PERDUE, BRANDON, FIELDER, COLLINS & MOTT, LLP

Comm. Matthews, seconded by Comm. Thompson made a motion to approve the contract for collection of past due receivables for ambulance services with Perdue, Brandon, Fielder, Collins & Mott, LLP.

All voted aye; motion carried.

VIII. NEW BUSINESS

4. CONSIDERATION OF HILL COLLEGE BEING USED AS AN EARLY VOTING POLLING LOCATION IN THE NOVEMBER 8<sup>TH</sup>, 2005 CONSTITUTIONAL AMENDMENT ELECTION AND SETTING HOURS FOR VOTING AT THIS LOCATION

Comm. McFall, seconded by Comm. Matthews made a motion to approve Hill College to be used as an early voting polling location in the November 8<sup>th</sup>, 2005 constitutional amendment election and setting hours for voting at this location.

All voted aye; motion carried.

5. CONSIDERATION TO PURCHASE ELECTION KITS FROM CAPITAL GRAPHICS AND PURCHASE BALLOTS FROM ES&S FOR THE NOVEMBER 8<sup>TH</sup>, 2005 CONSTITUTIONAL AMENDMENT ELECTION

Comm. Thompson, seconded by Comm. Carpenter, made a motion to approve the purchase of election kits from Capital Graphics and the purchase of ballots from ES&S for the November 8<sup>th</sup>, 2005 Constitutional Amendment Election.

All voted aye; motion carried.

VIII. NEW BUSINESS - ADDENDUM

14. CONSIDERATION OF REQUEST BY THE CITY OF BURLESON  
FOR THE USE OF CERTAIN COUNTY POLLING LOCATIONS AS  
MANDATED BY HB 1209

Comm. Matthews, seconded by Comm. McFall made a motion to approve the City of Burleson using certain county polling locations as mandated by HB 1209.

All voted aye; motion carried.

VI. PRECEDING BUSINESS - ADDENDUM

9. CONSIDERATION TO APPROVE THE RE-PLAT OF CRESSON  
HILLS ADDITION LOT 1-R, BLOCK 1 INTO LOTS 1 R-2, 2R-2, 3R-  
2, & 4R-2, BLOCK 1 –PRECINCT #2

Comm. Matthews, seconded by Comm. Thompson made a motion to approve the Re-Plat of Cresson Hills Addition lot 1-R, Block 1 into Lots 1R-2, 2R-2, 3R-2, 4R-2, Block 1 in Precinct #2.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

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

b. Consideration to submit a letter to the Texas Historical  
Commission concerning the dome

Comm. Matthews, seconded by Comm. McFall made a motion to approve sending a letter to the Texas Historical Commission concerning the dome.

All voted aye; motion carried.

- a. CONSIDERATION TO DONATE JUDGES BENCHES  
REMAINING IN COURTHOUSE PURSUANT TO LOCAL  
GOVERNMENT CODE SECTION 263.1524

Comm. Carpenter, seconded by Comm. McFall made a motion to approve donation of the Judges benches remaining in the Courthouse.

All voted aye; motion carried.

7. CONSIDERATION OF INMATE LABOR UNDER HB 129 FOR  
MAINTENANCE AND RELATED SERVICES TO NON-PROFIT  
ORGANIZATIONS THAT QUALIFY UNDER THE TAX EXEMPTION  
OF 501 (a), INTERNAL REVENUE CODE OF 1986 AS AN  
ORGANIZATION DESCRIBED BY SECTION 501 (c) (3) AND IS  
ORGANIZED AS A NON-PROFIT CORPORATION UNDER THE  
TEXAS NON-PROFIT CORPORATION ACT

- a. Court Appointed Special Advocate (CASA)

Comm. Thompson, seconded by Comm. Carpenter made a motion to approve Court Appointed Special Advocate (CASA) to receive inmate labor under HB 129.

Comm. McFall, Comm. Carpenter, Comm. Thompson voted aye, Comm. Matthews abstained; motion carried.

The Commissioner's Court recessed at 10:20 a.m. and reconvened at 10:45 a.m. to consider the following:

## VII. NEW BUSINESS

2. CONSIDERATION OF **ORDER #2005-11** REQUIRING SUCCESSFUL  
BIDDERS AT PUBLIC SALES TO PROVIDE PROOF THAT THE  
BIDDER OWES NO DELINQUENT TAXES TO THE TAXING UNIT  
PURSUANT TO SECTION 34.015 OF THE TAX CODE AND SECTION  
34.0445 OF THE CIVIL PRACTICES AND REMEDIES CODE

Comm. Matthews, seconded by Comm. McFall made a motion to approve Order #2005-11 requiring successful bidders at public sales to provide proof that the bidder owes no delinquent taxes to the taxing unit.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

1. CONSIDERATION OF ARCHITECTURAL DESIGN, SPECIFICATION, FINANCIAL PROGRAM REQUIREMENTS, AND CONTRACTS WITH MAGEE ARCHITECTS AND PETE DURANT AND ASSOCIATES FOR THE JOHNSON COUNTY CORRECTIONS REMODELING POD II AND THE EXPANSION POD III

Discussion. No action taken.

VIII. NEW BUSINESS

9. CONSIDERATION OF RIGHT OF WAY PERMITS FOR TEMPORARY WATER LINES FOR THE OIL AND GAS COMPANIES

Discussion. No action taken.

VII. UNFINISHED BUSINESS

4. CONSIDERATION OF **ORDER # 2005-10** PROHIBITING OUTSIDE BURNING IN ONLY UNINCORPORATED AREAS OF PRECINCT #2, IN JOHNSON COUNTY TEXAS

Discussion. No action taken.

6. CONSIDERATION OF OFFICIAL BOND AND OATH FOR WESLEY HARDING STOVALL, CONSTABLE PRECINCT #3

Comm. Thompson, seconded by Comm. Carpenter made a motion to approve the official bond and oath for Wesley Harding Stovall in the Constable's office in Precinct #3.

All voted aye; motion carried.

8. CONSIDERATION OF APPOINTMENT OF DR. SHARON MILES TO THE JOHNSON COUNTY HISTORICAL COMMISSION

Comm. McFall, seconded by Comm. Matthews made a motion to approve the appointment of Dr. Sharon Miles to the Johnson County Historical Commission.

All voted aye; motion carried.

9. CONSIDERATION OF COUNTY & DISTRICT RETIREMENT SYSTEM 2006 PLAN INFORMATION AND EMPLOYER CONTRIBUTION RATE

Comm. Carpenter, seconded by Comm. McFall made a motion to approve the Texas County & District Retirement System 2006 employer contribution rate to be set at 7.02% for the retirement plan for Johnson County.

All voted aye; motion carried.

VII. NEW BUSINESS

6. CONSIDERATION OF RENEWAL OF INDIGENT HEALTH CARE DATA PROCESSING SERVICES AGREEMENT WITH INDIGENT HEALTHCARE SOLUTIONS, Ltd. (IHS) AND YEAR END REPORT BY JOHNSON COUNTY INDIGENT HEALTH CARE

Comm. Carpenter, seconded by Comm. Matthews made a motion approve the renewal of Indigent Health Care data processing services agreement with Indigent Healthcare Solution, Ltd. giving the County Judge authorization to sign and to accept the year end report by Johnson County Indigent Health Care.

All voted aye; motion carried.

8. CONSIDERATION OF INTER-LOCAL AGREEMENT WITH THE CLEBURNE ISD AND THE COUNTY OF JOHNSON TRUANCY PROGRAM (A.S.A.P.)-CONSTABLE PRECINCT #1



Comm. McFall, seconded by Comm. Carpenter made a motion to approve the Inter-local agreement with the Cleburne ISD and the County of Johnson Truancy Program and giving the County Judge authorization to sign the agreement.

All voted aye; motion carried.

7. CONSIDERATION OF DECLARATION OF COMPLIANCE WITH THE RECORDS SCHEDULING REQUIREMENT OF THE LOCAL GOVERNMENT RECORDS ACT AND RECORDS CONTROL SCHEDULE FOR THE EMERGENCY OPERATIONS CENTER (EOC)

Comm. Matthews, seconded by Comm. Thompson made a motion to approve the Declaration of Compliance with the Records scheduling requirement of the Local Government Records Act and Records Control Schedule for the Emergency Operations Center and giving Curtis H. Douglas authorization to sign the Declaration.

All voted aye; motion carried.

The Commissioner's Court recessed at 11:55 a.m. and reconvened at 1:25 p.m. to consider the following:

VIII. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSAL

Comm. Thompson, seconded by Comm. McFall made a motion to go out for proposal for 6 portable hazardous waste containers.

Discussion.

Comm. Thompson rescinded his motion. Comm. McFall rescinded his second.

3. CONSIDERATION OF FEDERAL EQUITABLE SHARING AGREEMENT WITH THE S.T.O.P NARCOTICS TASK FORCE

Comm. McFall made a motion, seconded by Comm. Matthews to approve the agreement of Federal Equitable Sharing with the S.T.O.P Narcotics Task Force and to give the County Judge authorization to sign the agreement.

All voted aye; motion carried

10. CONSIDERATION OF ADVISABILITY TO LEASE FOR OIL AND GAS EXPLORATION JOHNSON COUNTY PROPERTY LOCATED IN PRECINCT #4

Comm. Thompson, seconded by Comm. Carpenter made a motion to advertise for bids for mineral interest for Precinct #4 with a no drill clause and a minimum of 20% or 1/5 royalties at \$500 per acre.

All voted aye; motion carried

11. CONSIDERATION OF TOBACCO GRANT ACCEPTANCE AGREEMENT AND COMPLIANCE STANDARDS- SHERIFF'S OFFICE

Comm. Carpenter, seconded by Comm. McFall made a motion to approve the Tobacco Grant acceptance agreement and the compliance standards in the Sheriff's Office and to give authorization for the County Judge to sign.

All vote aye; motion carried

12. CONSIDERATION UNDER RIDER 43 REQUESTS OF ACQUISITION OF ADDITIONAL ROAD BASE MATERIAL WHICH WILL BE DEDUCTED FROM THE FISCAL YEAR 2006 ALLOTMENT- PRECINCT #2

Comm. Matthews, seconded by Comm. Thompson made a motion to approve the acquisition of additional road base material under Rider 43, which will be deducted from the fiscal year 2006 allotment in Precinct #2.

All voted aye; motion carried

13. CONSIDERATION OF TEMPORARY POSITION TO TRAIN  
COMMISSARY CLERKS-SHERIFF'S OFFICE

Comm. Thompson, seconded by Comm. McFall made a motion to approve the temporary position to train commissary clerks in the Sheriff's office.

All voted aye; motion carried

IX. CONSENT AGENDA

Comm. McFall, seconded by Comm. Matthews made a motion to approve the consent agenda as submitted.

All voted aye; motion carried.

The Commissioner's Court went into Workshop session at 1:45 p.m. where they discussed progress report on Gems Software and hazard mitigation material needed for Johnson County.

The Commissioner's Court recessed at 2:15 p.m. and reconvened at 2:35 p.m. in workshop session to discuss the budget.

The Commissioner's Court went back into Open Session at 3:25 p.m. to consider the following:

VII. UNFINISHED BUISNESS

10. CONSIDERATION OF TAX RATE AND SCHEDULE PUBLIC  
HEARING

The total proposed County tax rate is 0.434878 for year 2005-2006 which is the same rate as 2004-2005 year.

The Commissioner's Court took a record vote as follows:

|                         |     |
|-------------------------|-----|
| Judge Roger Harmon      | Aye |
| Comm. R.C. McFall       | Aye |
| Comm. John Matthews     | Aye |
| Comm. Mark C. Carpenter | Aye |
| Comm. Troy Thompson     | Aye |

Motion carried.

The Court set 2 (two) Public Hearings on the Tax Rate to be held on September 16, 2005 and September 23, 2005.

There being no further business before the Court concerning this agenda,  
Commissioner's Court adjourned at 3:34 p.m. on the same date.

Submitted by: \_\_\_\_\_  
Curtis H. Douglas  
County Clerk

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