

STATE OF TEXAS

November 13, 2007

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 13th day of November 2007, the Honorable Commissioner's Court of Johnson County, Texas, met in Regular Session at the Guinn Justice Center 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 9:03 A.M., with all members present except for Commissioner John W. Matthews, and following the Invocation led by Kirk Kirkpatrick and the Pledge of Allegiance, the following items, having been lawfully posted and filed for record in the Office of the County Clerk on November 8, 2007 at 2:19 P.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

None.

V. PUBLIC PARTICIPATION

Russell Moore, Veterans Service Officer, presented Matthew Smith with a certificate from Veterans County Service Officers Association of Texas for outstanding service for veterans, widows and dependants.

Bill Moore, County Attorney, introduced West Warren as the new investigator in the County Attorney's Office.

Margaret Cook, Purchasing Agent, introduced Pam Causey as the new Senior Buyer in the Purchasing Department.

VI. PUBLIC HEARING

The Commissioner's Court opened a Public Hearing at 9:14 A.M. to discuss:

1. INSTALLATION OF SEVEN STOP SIGNS AT THE INTERSECTIONS OF: PEACH TREE STREET AT PERCIFIELD TRAIL SOUTH; PARK STREET AT PEACH TREE; BIG TREE AT PERCIFIELD TRAIL SOUTH; COW PASTURE AT PERCIFIELD TRAIL SOUTH; SHADY WOOD STREET AT PERCIFIELD TRAIL SOUTH; HAY MEADOW, THE EAST AND WEST SIDE AT PERCIFIELD TRAIL SOUTH IN PRECINCT #4

Commissioner Beeson spoke in reference to the citizens paying to bring the streets up to County specifications and to install the stop signs.

The Public Hearing was closed at 9:16 A.M.

VII. PRECEDING BUSINESS

1. CONSIDERATION OF **ORDER #2007-12** FOR INSTALLATION OF SEVEN STOP SIGNS AT THE INTERSECTIONS OF: PEACH TREE STREET AT PERCIFIELD TRAIL SOUTH; PARK STREET AT PEACH TREE; BIG TREE AT PERCIFIELD TRAIL SOUTH; COW PASTURE AT PERCIFIELD TRAIL SOUTH; SHADY WOOD STREET AT PERCIFIELD TRAIL SOUTH; HAY MEADOW, THE EAST AND WEST SIDE AT PERCIFIELD TRAIL SOUTH IN PRECINCT #4

Comm. Beeson, seconded by Comm. Carpenter, made a motion to approve Order **#2007-12** for installation of seven stop signs at the intersections of Peach Tree Street at Percifield Trail South; Park Street at Peach Tree; Big Tree at Percifield Trail South; Cow Pasture at Percifield Trail South; Shady Wood Street at Percifield Trail South; Hay Meadow, the East and West Side at Percifield Trail South; in Precinct #4.

All voted aye; motion carried.

2. CONSIDERATION OF REQUEST TO PAY BILLS

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

All voted aye; motion carried.

3. 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.

4. CONSIDERATION OF THE MINUTES FOR THE COMMISSIONER'S COURT:

- a. October 8, 2007-Regular Session
- b. October 15, 2007-Special Session

Comm. Beeson, seconded by Comm. Carpenter, made a motion to approve the Commissioner's Court Minutes for October 8, 2007 and October 15, 2007 as submitted by the County Clerk.

All voted aye; motion carried.

5. CONSIDERATION OF FINAL PLAT OF **COUNTRY LANE ESTATES**, LOTS 1, 2, & 3, BLOCK 1-PRECINCT #4

Comm. Beeson, seconded by Comm. McFall, made a motion to approve the final plat of **Country Lane Estates**, Lots 1, 2 & 3, Block 1 in Precinct #4 contingent on the impact form being signed.

All voted aye; motion carried.

6. CONSIDERATION OF FINAL RE-PLAT OF **KELLY JEAN'S ADDITION**, LOTS 8, 9, & 10, TO LOTS 8R & 10R, BLOCK 1-PRECINCT #4

Comm. Beeson, seconded by Comm. Carpenter, made a motion to approve the final re-plat of **Kelly Jean's Addition**, Lots 8, 9 & 10, to Lots 8R & 10R, Block 1 in Precinct #4.

All voted aye; motion carried.

7. CONSIDERATION TO AWARD BID:

- a. **RFP #2008-141-for Pneumatic Roller-Precinct #4**

Comm. Beeson, and seconded by Comm. Carpenter, made a motion to award **RFP #2008-141** to Bane Machinery for a Pneumatic Roller for Precinct #4 in the amount of \$46,700.00.

All voted aye; motion carried.

b. **RFP #2008-142-for Compaction Roller-Precinct #3**

Comm. Carpenter, and seconded by Comm. Beeson, made a motion to award **RFP #2008-142** to RDO Equipment for a Compaction Roller for Precinct #3 in the amount of \$64,000.00.

All voted aye; motion carried.

8. **CONSIDERATION TO AWARD DSS SHREDDING SERVICE FOR SHREDDING OF JOHNSON COUNTY DOCUMENTS**

Comm. McFall, seconded by Comm. Carpenter, made a motion to award DSS Shredding Service for shredding of Johnson County Documents.

All voted aye; motion carried.

VIII. **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.

2. **CONSIDERATION OF ARCHITECTURAL DESIGN, SPECIFICATION, FINANCIAL PROGRAM REQUIREMENTS, AND CONTRACTS FOR RESTORATION OF JOHNSON COUNTY COURTHOUSE**

a. **Wheel Stops for 60 Parking Spaces Around the Perimeter of the Courthouse**

Comm. Beeson, seconded by Comm. Carpenter, made a motion to approve the wheel stops for 60 parking spaces around the perimeter of the Courthouse in the amount of \$1,980.00.

All voted aye; motion carried.

- b. Bid Proposal for Stairs on the East Side and Basement Walls on the South Side of the Courthouse

Comm. McFall, seconded by Comm. Beeson, made a motion to table this item.

All voted aye; motion carried.

- c. Proposal Request #054-Repainting of the 3rd Floor Ceiling

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

All voted aye; motion carried.

3. CONSIDERATION TO LEASE COUNTY OWNED LAND FOR MINERAL DEVELOPMENT OF THE FOLLOWING PROPERTY: 6.106 ACRES OUT OF THE S.M. FLETCHER SURVEY, A-290, THE J.R. CHAMBERS SURVEY, A-988 AND THE M.F. ROBERTS SURVEY, A-1058, JOHNSON COUNTY, TEXAS. BY WARRANTY DEED DATED OCTOBER 23, 1924 AND RECORDED IN VOLUME 245, PAGES 471 ET SEQ., DEED RECORDS, JOHNSON COUNTY, TEXAS. BEGINNING AT A STAKE IN THE EAST LINE OF THE SPRR CO. SURVEY NO. 3 AND IN THE WEST LINE OF THE SURVEY WHERE SAID LINE INTERSECTS THE NORTH LINE OF THE ROAD; THENCE NORTH WITH THE EAST LINE OF THE SPRR CO. SURVEY NO. 3, THE EAST LINE OF THE A.N. WILBANKS SURVEY AND THE EAST LINE OF THE J.H. CARPER SURVEY A DISTANCE OF 3039 $\frac{3}{4}$ VARAS TO THE SOUTHEAST CORNER OF A 200 ACRE TRACT CONVEYED BY T.J. HONEA AND WIFE, TO A STAKE IN THE EAST LINE OF SAID CARPER SURVEY AND IN THE WEST LINE OF S.M. FLETCHER SURVEY; THENCE EAST 30 FEET TO THE STAKE; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID CARPER, WILBANKS AND SPRR CO. SURVEYS TO THE NORTH LINE OF SAID PUBLIC ROAD; THENCE WITH SAID NORTH LINE IN THE SOUTHWESTERLY DIRECTION ABOUT 33 FEET TO THE PLACE OF BEGINNING-PRECINCT #3

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

All voted aye; motion carried.

4. CONSIDERATION OF APPOINTMENTS TO THE CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS

Comm. McFall, seconded by Comm. Carpenter, made a motion to approve the appointments of Don Beeson as representative for the Johnson County Commissioner's Court with 835 votes and Byron Black of Burleson with 136 votes to the Central Appraisal District Board of Directors.

County Judge Roger Harmon voted aye.
Comm. McFall voted aye.
Comm. Carpenter voted aye.
Comm. Beeson abstained.

motion carried.

5. CONSIDERATION OF AGREEMENT FOR CONSULTING SERVICES WITH ARMKO INDUSTRIES, INC. FOR ROOFING AT THE LAW ENFORCEMENT CENTER

Comm. Carpenter, seconded by Comm. Beeson, made a motion to approve the agreement for consulting services with ARMKO Industries, Inc. for roofing at the Law Enforcement Center and give the County Judge the authorization to sign the agreement.

All voted aye; motion carried.

6. CONSIDERATION OF CONTINUATION BOND FOR MARGARET COOK, PURCHASING AGENT

Comm. McFall, seconded by Comm. Carpenter, made a motion to approve the continuation bond for Margaret Cook, Purchasing Agent.

All voted aye; motion carried.

IX. NEW BUSINESS

2. CONSIDERATION OF TAX ABATEMENT FOR SABRE COMMUNICATIONS CORPORATION AND **ORDER #2007-13**

Comm. Carpenter, seconded by Comm. Beeson, made a motion to approve the Tax Abatement for Sabre Communications Corporation and **Order #2007-13** and give the County Judge authorization to sign the Abatement.

All voted aye; motion carried.

The Commissioner's Court recessed at 10:00 A.M. and re-convened at 10:30 A.M. to consider the following:

VIII. UNFINISHED BUSINESS

7. CONSIDERATION OF TEMPORARY WATER "CATTLE GUARD" CROSSINGS ON COUNTY ROADS

Comm. McFall, seconded by Comm. Beeson, made a motion to accept the new permit procedure for laying of pipeline in the right of way at certain county roads in Johnson County, the 48 hour notice for the permit will no longer be required and each Commissioner will have the discretion of the cattle guard crossings and culverts to be installed under the county roads at the expense of each oil company that is requesting the permit.

All voted aye; motion carried.

IX. NEW BUSINESS

3. CONSIDERATION OF BUDGET AMENDMENT PURSUANT TO THE LOCAL GOVERNMENT CODE *111.0106* FOR ROAD AND BRIDGE (ROAD REPAIR MATERIALS)-PRECINCT #1

Comm. McFall, seconded by Comm. Carpenter, made a motion to approve the Budget Amendment pursuant to Local Government Code *111.0106* for road & bridge (road repair materials) for Precinct #1 by transferring of \$35,250.00 a donation from Devon Energy to Precinct #1 Line Item.

All voted aye; motion carried.

4. CONSIDERATION OF BUDGET AMENDMENT PURSUANT TO THE
LOCAL GOVERNMENT CODE 111.010C FOR:

- a. General Fund-Jail-Personnel Salaries
- b. General Fund-County Clerk-Personnel Salaries
- c. Records Management Fund-County Clerk-Personnel Salaries
- d. Courthouse Security Fund-Office Supplies
- e. General Fund-Justice of the Peace Precinct #1-Personnel Salaries
- f. General Fund-Non-Departmental-Real Property Acquisition
- g. Technology Fund-Justice of Peace Precinct #3-Meter Rental,
Postage and Office Supplies
- h. General Fund-Emergency Management-2005 Homeland Security
Grant
- i. Law Library Fund-Equipment Non Capital-Monitor and Printer
- j. General Fund-Purchasing-Personnel Salaries
- k. Courthouse Security-Personnel Salaries
- l. General Fund-Sheriff-Personnel Salaries
- m. General Fund-Juvenile Probation-Personnel Salaries
- n. General Fund-County Attorney-Personnel Salaries
- o. Technology Fund-Justice of the Peace Precinct #2-Equipment Non-
Capital-Scanner
- p. General Fund-Non Departmental-Building Construction

Comm. McFall, seconded by Comm. Beeson, made a motion to approve the Budget Amendment pursuant to *Section 111.010 C* of the Local Government Code with the exception of item i.

All voted aye; motion carried.

IX. NEW BUSINESS

11. CONSIDERATION OF AGREEMENTS FOR JUVENILE SERVICES:

- a. Garza County for Pre and Post Adjudication
- b. Gulf Coast for Post Adjudication
- c. Victoria County for Post Adjudication for Female Prisoners

Comm. Carpenter, seconded by Comm. McFall, made a motion to approve the Agreements for Juvenile Services with Garza County for Pre and Post Adjudication, Gulf Coast for Post Adjudication and Victoria County for Post Adjudication for Female Prisoners and give the County Judge authorization to sign.

All voted aye; motion carried.

5. CONSIDERATION TO INCLUDE THE OFFICES OF COMMISSIONER PRECINCT #2 AND THE COUNTY CLERK AT THE BURLESON SUB-COURTHOUSE IN THE INSTALLATION OF THE GUINN JUSTICE CENTER TELEPHONE SYSTEM AT THE TIME OF THE ADDITION TO THE COURTHOUSE

Comm. McFall, seconded by Comm. Beeson, made a motion to table this item.

All voted aye; motion carried.

6. CONSIDERATION OF RECURRING EXPENSE FOR A MOBILE PHONE-PRECINCT #2

Comm. Beeson, seconded by Comm. McFall, made a motion to approve the recurring expense for a mobile phone in Precinct #2.

All voted aye; motion carried.

7. CONSIDERATION OF DATE FOR THE JOHNSON COUNTY CHRISTMAS PARTY

Comm. McFall, seconded by Comm. Carpenter, made a motion to approve the date of December 15, 2007 for the Johnson County Christmas Party.

All voted aye; motion carried.

8. CONSIDERATION OF INTERLOCAL AGREEMENT WITH THE CITY OF RIO VISTA FOR HAULING COLD MIX ASPHALT-PRECINCT #1

Comm. McFall, seconded by Comm. Carpenter, made a motion for Commissioner's Court to approve the Interlocal Agreement with the City of Rio Vista for hauling cold mix asphalt in Precinct #1.

All voted aye; motion carried

9. CONSIDERATION OF COMMISSIONER'S COURT APPROVAL FOR INTERLOCAL AGREEMENT WITH THE CITY OF RIO VISTA-PRECINCT #1

Comm. McFall, seconded by Comm. Carpenter, made a motion for Commissioner's Court approval for the Interlocal Agreement with the City of Rio Vista in Precinct #1.

All voted aye; motion carried

10. CONSIDERATION OF THE 2007 SUB-RECIPIENT GRANT AGREEMENT FOR THE HOMELAND SECURITY GRANT PROGRAM

Comm. Carpenter, seconded by Comm. McFall, made a motion to accept the 2007 Sub-Recipient Grant Agreement for the Homeland Security Grant program.

All voted aye; motion carried.

12. CONSIDERATION OF TELEPHONE MAINTENANCE AGREEMENT WITH INTER-TEL FOR THE GUINN JUSTICE CENTER

Comm. McFall, seconded by Comm. Beeson, made a motion to approve the telephone maintenance agreement with Inter-Tel for the Guinn Justice Center and give the County Judge authorization to sign.

All voted aye; motion carried.

13. CONSIDERATION OF MEMORANDUM OF UNDERSTANDING AND INTER-JURISDICTION AGREEMENT WTH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR INTEROPERABILITY RADIO COMMUNICATIONS-EMERGENCY MANAGEMENT

Comm. Carpenter, seconded by Comm. Beeson, made a motion to approve the Memorandum of Understanding and Inter-Jurisdiction Agreement with the North Central Texas Council of Governments for Interoperability Radio Communications-Emergency Management.

All voted aye; motion carried

14. CONSIDERATION OF INTERLOCAL AGREEMENT WITH BURLESON INDEPENDENT SCHOOL DISTRICT FOR ASAP OFFICER-CONSTABLE PRECINCT #2

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

All voted aye; motion carried

15. CONSIDERATION OF LETTER TO UNITED HEALTHCARE REGARDING DAVE WALLACE AS THE COUNTY'S INSURANCE REPRESENTATIVE

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

All voted aye; motion carried.

17. CONSIDERATION OF EXPENDITURE OF TECHNOLOGY FUND TO PURCHASE FUJITSU SCANNER IN THE AMOUNT OF \$1,300.00-JUSTICE OF THE PEACE PRECINCT #2

Comm. McFall, seconded by Comm. Beeson, made a motion to approve the expenditure of Technology Fund to purchase a Fujitsu scanner in the amount of \$1,300.00 for Justice of the Peace Precinct #2.

All voted aye; motion carried.

X. CONSENT AGENDA

Comm. Beeson, seconded by Comm. Carpenter, made a motion to approve the Consent Agenda as presented.

All voted aye; motion carried.

VII. PRECEDING BUSINESS

2. CONSIDERATION OF REQUEST TO PAY BILLS

Comm. McFall, seconded by Comm. Beeson, made an amended motion to include in the payment of the bills a check to Holly Rentals, Inc. in the amount of \$41,400.00 and a check payable to First American Title for closing costs in the amount of \$2,841.46 as presented by the County Auditor.

All voted aye; motion carried.

The Commissioner's Court went into Workshop Session at 11:37 A.M. to discuss maintenance plan for Ham Creek Park, and review policy regarding paid personal leave.

The Commissioner's Court recessed at 11:50 A.M. and re-convened at 1:20 P.M. into Workshop Session for the Crosstex Energy Presentation and to discuss County requirements under the American with Disabilities Act of 1990 ("ADA") and specifications for health and dental insurance.

The Commissioner's Court re-convened into Open Session and immediately went into Executive Session at 2:27 P.M.

The Commissioner's Court re-convened into Open Session at 2:35 P.M. to consider the following:

IX. NEW BUSINESS

16. CONSIDERATION OF COUNTY REQUIREMENTS UNDER THE AMERICAN WITH DISABILITIES ACT OF 1990 ("ADA")

Comm. McFall, seconded by Comm. Carpenter, made a motion to appoint Dr. Arthur Raines, Tom Owen and Holly Morris as coordinators for the American with Disabilities Act of 1990 ("ADA"), adopt a notice under the American with Disabilities Act as set forth in Chapter 2 as the ADA Coordinator Notice and Grievance Procedure Administrator Requirements under Tier 2 of the ADA, adopt grievance procedures under the American with Disabilities Act as set forth in Chapter 2 of the ADA Coordinator Notice Grievances and Procedures Administrative Requirements under Title 2 of the ADA and that the County provide ADA training as soon as possible.

All voted aye; motion carried.

XII. EXECUTIVE SESSION

1. Government Code:

a. *Sec. 551.074*-Personnel: Justice of the Peace Precinct #2-Veronica Rodriguez

Comm. McFall, seconded by Comm. Carpenter made a motion to approve the bi-lingual supplement pay for Veronica Rodriguez effective December 2007.

All voted aye; motion carried.

IX. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSAL

Comm. McFall, seconded by Comm. Carpenter, made a motion to advertise for Bids/Proposals for roofing at the Law Enforcement Center, health and dental benefits for County employees, and for an emergency purchase request from Public Works for a condenser for the Tax Office.

All voted aye; motion carried.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 2:42 P.M.

Submitted by: _____
County Clerk
Curtis H. Douglas

Approved by: _____
County Judge
Roger Harmon