

STATE OF TEXAS

May 12, 2008

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 12th day of May 2008, 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 9:10 A.M., with all members present, and following the Invocation led by Reverend Kirklin Cross, Sr. from the 1st Mount Zion Baptist Church and the Pledge of Allegiance, the following items, having been lawfully posted and filed for record in the Office of the County Clerk on May 7, 2008 at 12:58 A.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

1. AGENDA OF JUNE 23RD, 2008 WILL BE MOVED TO JUNE 30TH, 2008 DUE TO NORTH AND EAST TEXAS COUNTY JUDGES AND COMMISSIONER'S ASSOCIATION CONFERENCE WEEK OF JUNE 16-19, 2008

Judge Roger Harmon announced that the Agenda of June 23rd, 2008 will be moved to June 30th, 2008 due to the North and East Texas County Judges and Commissioner's Association Conference Week of June 16-19, 2008.

V. PUBLIC PARTICIPATION

None.

VI. PUBLIC HEARING

The Commissioner's Court opened a Public Hearing at 9:15 A.M. to discuss:

1. LEASE OF COUNTY OWNED LAND FOR MINERAL DEVELOPMENT ON THE FOLLOWING PROPERTIES:

- a. **RFP #2008-159A:** 1.85 Acres, More or Less, Situated in the C. Chaney Survey, Abstract No. 124, Johnson County Texas-Precinct #1 and #4
- b. **RFP #2008-162:** 3.683 Acres, More or Less, Situated in the C. Chaney Survey, Abstract No. 124, Johnson County, Texas-Precinct #1 and #4
- c. **RFP #2008-163:** 7.179 Acres, More or Less, Situated in the C. Chaney Survey, Abstract No. 124, Johnson County Texas-Precinct #4

There being no one present to speak, the hearing was closed at 9:17 A.M.

The Commissioner's Court recessed at 9:17 A.M. and reconvened at 9:28 A.M. to consider the following:

VII. PRECEDING BUSINESS

1. PRESENTATION BY DOCTOR PEERWANI PERTAINING TO JOHNSON COUNTY MEDICAL EXAMINER'S OFFICE

A presentation by Doctor Peerwani pertaining to the Johnson County Medical Examiner's Office was presented to the Court.

The Commissioner's Court recessed at 10:16 A.M. and reconvened at 10:36 A.M. to consider the following:

IX. NEW BUSINESS

6. CONSIDERATION TO ORDER ELECTION FOR A LOCAL OPTION ELECTION FOR THE CITY OF KEENE, TEXAS FOR "LEGAL SALE OF BEER AND WINE FOR OFF PREMISE CONSUMPTION ONLY"

Comm. Beeson, seconded by Comm. Carpenter, made a motion to order an election for a Local Option Election for the City of Keene, Texas for the "Legal Sale of Beer and Wine for Off Premise Consumption Only" with 253 signatures on petition being verified by Cheri Hawkins the Election Administrator.

All voted aye; motion carried.

VIII. UNFINISHED BUSINESS

4. CONSIDERATION OF COURT **ORDER #2008-09** APPROVING THE LETTER OF AGREEMENT BETWEEN JOHNSON COUNTY AND ADVANTAGE AVIATION TECHNOLOGIES, INC. AND CHANGING COURT **ORDER #2007-11**

Comm. McFall, seconded by Comm. Beeson, made a motion to approve **ORDER #2008-09** approving the Letter of Agreement between Johnson County and Advantage Aviation Technologies, Inc. which changes Court **Order #2007-11**.

All voted aye; motion carried.

5. CONSIDERATION OF **ORDER #2008-10** APPROVING GUIDELINES AND CRITERIA FOR TAX ABATEMENTS FOR 2008-2010

Comm. McFall, seconded by Comm. Beeson, made a motion to approve **ORDER #2008-10** approving the guidelines and criteria for Tax Abatements for 2008-2010.

All voted aye; motion carried.

VIII. UNFINISHED BUSINESS

3. CONSIDERATION OF CONTRACT WITH ACTION COMMERCIAL CONTRACTORS REGARDING JAIL ROOF

Comm. Beeson, seconded by Comm. McFall, made a motion to approve the contract with Action Commercial Contractors for the Jail Roof which will include all material, labor and a 20 year warranty in the amount of \$222,740.00 and give the County Judge the authorization to sign.

All voted aye; motion carried.

VII. PRECEDING BUSINESS

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

- a. March 24, 2008-Regular Session
- b. April 14, 2008-Regular Session

Comm. Matthews, seconded by Comm. McFall, made a motion to approve the Commissioner's Court Minutes for March 24, 2008 and April 14, 2008 as submitted by the County Clerk.

All voted aye; motion carried.

3. CONSIDERATION OF REQUEST TO PAY BILLS

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

All voted aye; motion carried.

4. ACKNOWLEDGEMENT 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 TO AWARD LEASES OF COUNTY OWNED LAND FOR MINERAL DEVELOPMENT:

- a. **RFP #2008-159A-1.85 Acres, More or Less, Situated in the C. Chaney Survey, Abstract No. 124, Johnson County Texas-Precinct #1 and #4**

Comm. Beeson, seconded by Comm. Carpenter, made a motion to award **RFP #2008-159A** to lease County owned land for mineral development being 1.85 acres, more or less, situated in the C. Chaney Survey, Abstract No. 124, Johnson County, Texas, as described in the following tracts of land: 1.012 acres, more or less, known as the Public Square,

Town of Cleburne, Johnson County, Texas, according to the Official Map thereof, as described in the following two (2) tracts: TRACT 1: 0.265 acres, more or less, known as a portion of 60 acres as described in that certain Donation Deed dated May 15, 1867, from B.J. CHAMBERS and HARRIET A. CHAMBERS to JAMES HAYNES, County Judge of JOHNSON COUNTY, TEXAS, recorded in Volume E, Page 348; TRACT 2: 0.747 acres, more or less, known as a portion of 80 acres as described in that certain Donation Deed dated May 15, 1867, from B.J. CHAMBERS, as Attorney-in-fact for NAT HENDERSON, to JAMES HAYNES, County Judge of JOHNSON COUNTY, TEXAS, recorded in Volume E, Page 351.

0.230 acres, more or less, known as Lot 5, Block 11, according to the Original Map of the City of Cleburne, Johnson County, Texas, recorded in Volume 24, Page 590, and refiled in Volume 197, Page 638, Deed Records, Johnson County, Texas, as described in the following two (2) tracts:

TRACT 1: 0.115 acres, more or less, known as the North half of Lot 5, Block 11, as described in that certain Warranty Deed dated, September 13, 1883 from M.A. OATIS to W.J. EWING, County Judge of JOHNSON COUNTY, TEXAS, recorded in Volume 28, Page 53; TRACT 2: 0.115 acres, more or less, known as the South half of Lot 5, Block 11, as described in that certain Warranty Deed dated, September 13, 1883, from M.J. DRIVER TO W.J. EWING, County Judge of JOHNSON COUNTY, TEXAS, recorded in Volume 28, Page 54.

0.207 acres, more or less, known as Lots 6 and 8, Block 5, according to the Original Map of the City of Cleburne, Johnson County, Texas, recorded in Volume 24, Page 590, and refiled in Volume 197, Page 638, Deed Records, Johnson County, Texas, said lots also known as Lot 5, Block 5, according to the Official Map of the City of Cleburne, Johnson County, Texas, as described in that certain Warranty Deed dated September 30, 1982, from HOWELL'S INC., a Texas Corporation, to JOHNSON COUNTY, TEXAS, recorded in Volume 913, Page 629.

0.152 acres, more or less, known as Lots 3 and 4, Block No. 5, according to the Original Map of the City of Cleburne, Johnson County, Texas, recorded in Volume 24, page 590, and refiled in Volume 197, Page 638, Deed Records, Johnson County, Texas, as described in that certain Warranty Deed with Vendor's Lien dated July 1, 1985, from THOMAS MILTON SOWELL and CLIFF MARTIN SOWELL, husband and wife, to JOHNSON COUNTY, TEXAS, a political subdivision of the State of Texas, recorded in Volume 1138, Page 491.

0.125 acres, more or less, known as Lots 6, 7, and a portion of Lot 8, Block 5, City of Cleburne, Johnson County, Texas, according to the Official Map thereof, said lots also known as Lot 5 and a portion of Lot 7, Block 5, City of Cleburne, Johnson County, Texas, according to the plat known as the Original Town Plot as filed of record in Volume 24, Page 590, Deed Records, Johnson County, Texas, as described in that certain Warranty Deed dated July 6, 1990, from HOWELL'S INC., a Texas corporation, to JOHNSON COUNTY, TEXAS, a Political Subdivision of the State of Texas, recorded in Volume 1495, Page 849.

0.063 acres, more or less, known as the South 31.5 feet of Lots 1 and 2, and the South 31.5 feet of the East 3.25 feet of Lot 3, Block 5, according to the Original Map of the City of Cleburne, Johnson County, Texas, recorded in Volume 24, Page 590, and refiled in Volume 197, Page 638, Deed Records, Johnson County, Texas, said lots also known as Lots 1B and 2B, Block 5 according to the Official Map of the City of Cleburne, Johnson County, Texas, as described in that certain Cash Warranty Deed dated May 1, 2000, from JANICE DISHEROON to JOHNSON COUNTY, TEXAS, a Political Subdivision of the State of Texas, recorded in Volume 2467, Page 955.

0.061 acres, more or less, known as part of Lots 1, 2 and 3, Block No. 5, according to the Original Map of the City of Cleburne, Johnson County, Texas, recorded in Volume 24, Page 590,

and refiled in Volume 197, Page 638, Deed Records, Johnson County, Texas, said lots also known as Lots 1A and 2A, Block 5, according to the Official Map of the City of Cleburne, Johnson County, Texas, as described in that certain Warranty Deed dated June 11, 1985 from MARTHA SCOTT WOFFORD HOPKINS to JOHNSON COUNTY, TEXAS recorded in Volume 1116, Page 253, to Johnson County, Texas, to RedSky for Chesapeake Energy with a Royalty of 25% at the well head and a bonus amount of \$9,250.00 per acre with a no drill clause in Precinct #1 and #4.

County Judge voted aye.
Comm. Matthews voted aye.
Comm. Carpenter voted aye.
Comm. Beeson voted aye.
Comm. McFall abstained.

motion carried.

- b. **RFP #2008-162: 3.683 Acres, More or Less, Situated in the C. Chaney Survey, Abstract No. 124, Johnson County Texas-Precinct #1 and #4**

Comm. Beeson, seconded by Comm. Carpenter, made a motion to award **RFP #2008-162** to lease County owned land for mineral development being 3.683 acres, more or less, situated in the C. Chaney Survey, Abstract No. 124, Johnson County, Texas, known as Lot 1, Block 1, County Courts Addition No. 1, City of Cleburne, Johnson County, according to the plat recorded in Volume 9, Page 93, Plat Records, Johnson County, Texas, also known as part of Block 505, City of Cleburne, Johnson County, Texas, according to the Official Map thereof, as described in that certain Correction Special Warranty Deed dated March 18, 2003, from City Independent School District to Johnson County, Texas, recorded in Volume 3011, Page 49, Deed Records, Johnson County, Texas to RedSky for Chesapeake Energy with a Royalty of 25% at the well head and a bonus amount of \$5,000.00 per acre with a no drill clause in Precinct #1 and #4.

County Judge voted aye.
Comm. Matthews voted aye.
Comm. Carpenter voted aye.
Comm. Beeson voted aye.
Comm. McFall abstained.

motion carried.

c. **RFP #2008-163: 7.179 Acres, More or Less, Situated in the C. Chaney Survey, Abstract No. 124, Johnson County Texas-Precinct #4**

Comm. Beeson, seconded by Comm. Carpenter, made a motion to award **RFP #2008-163** to lease County owned land for mineral development being 7.179 acres, more or less, situated in the C. Chaney Survey, Abstract No. 124, Johnson County, Texas, known as Blocks 766, 767, and 768. Original Cleburne, also known as Blocks 766, 767, & 768 Pearce and Jester Addition, an Addition to the City of Cleburne, Johnson County, Texas according to the plat thereof recorded in Volume 154, page 700, Deed Records, Johnson County, Texas as described in that certain Special Warranty Deed dated February 21, 2001, from DURAFAB, INC., a Texas Corporation to Johnson County, Texas, recorded in Volume 2592, Page 801, Deed Records, Johnson County, Texas. Lot 1 through 12, Block 767 (768), Lot 1 through 9 Block 766 to RedSky for Chesapeake Energy with a Royalty of 25% at the well head and a bonus amount of \$35,895.00 per acre with a no drill clause in Precinct #4.

County Judge voted aye.
Comm. Matthews voted aye.
Comm. Carpenter voted aye.
Comm. Beeson voted aye.
Comm. McFall abstained.

motion carried.

IX. NEW BUSINESS

7. CONSIDERATION OF HIRING ARCHITECTURAL FIRM TO FINISH OUT THE NORTH AND SOUTH ENDS OF THE THIRD FLOOR AT THE GUINN JUSTICE CENTER

Comm. Carpenter, seconded by Comm. Beeson, made a motion to hire McGee Architect Firm to finish out the North and South ends of the third floor at the Guinn Justice Center per Government Code *Sec. 2254.003*-Selection and award is on the basis of demonstrated competence and qualifications to perform the services; for a fair and reasonable price.

All voted aye; motion carried.

XI. WORKSHOP

The Commissioner's Court went into Workshop Session at 11:40 A.M. to discuss LIRAP Contract #582-8-89954 concerning illegal inspection stickers for vehicles.

The Commissioner's Court recessed at 12:11 P.M. and reconvened into open session at 1:32 P.M. to consider the following:

VII. PRECEDING BUSINESS

6. CONSIDERATION OF FINAL PLAT OF **GODLEY YARD ADDITION**, LOTS 1 & 2 (NON-CONFORMING LOT), BLOCK 1-PRECINCT #1

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

All voted aye; motion carried.

7. CONSIDERATION TO ACCEPT APPRAISALS RECEIVED FOR TWO PROPERTIES OWNED BY THE COUNTY

- a. 1601 N. Anglin, Cleburne, Texas (the Old Health Department & Meals on Wheels Building)

Comm. McFall, seconded by Comm. Carpenter, made a motion to accept the appraisals received for property owned by the County at 1601 N. Anglin, Cleburne, Texas known as the old Health Department & Meals on Wheels Building in the amount of \$26,000.00 in Precinct #1.

All voted aye; motion carried.

- b. 6.106 Acres out of the S.M. Fletcher Survey, A-290 (the Retreat Sub-Division)-Precinct #1

Comm. McFall, seconded by Comm. Beeson, made a motion to accept the appraisals for property owned by the County which is 6.106 acres out of the S.M. Fletcher Survey, A-290 in the Retreat Subdivision in the amount of \$3,000.00 per acre in Precinct #1.

All voted aye; motion carried.

VIII. UNFINISHED BUSINESS

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

No Action.

2. CONSIDERATION TO ADJUST AMOUNT OF STARTING SALARY FOR THE VETERAN'S SERVICE OFFICER POSITION

Comm. Carpenter, seconded by Comm. McFall, made a motion to adjust the amount of starting salary for the Veteran's Service Officer Position up to \$36,000.00 per year.

All voted aye; motion carried.

IX. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSAL

Comm. Matthews, seconded by Comm. McFall, made a motion to advertise for Bids/Proposals for the sale of 1601 N. Anglin, Cleburne, Texas known as the old Health Department & Meals on Wheels Building in Precinct #1 and 6.106 acres out of the S.M. Fletcher Survey, A-290 in the Retreat Subdivision in Precinct #1.

All voted aye; motion carried.

2. CONSIDERATION OF BUDGET AMENDMENT PURSUANT TO THE LOCAL GOVERNMENT CODE 111.0106 FOR:

a. Reimbursement for Costs by Insurance Company-Road & Bridge, Precinct #2

Comm. Matthews, seconded by Comm. Carpenter, made a motion to approve the Budget Amendment pursuant to the Local Government Code 111.0106 for Road & Bridge reimbursement for costs from the Insurance Company in the amount of \$15,055.00 for an insurance claim in Precinct #2.

All voted aye; motion carried.

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

- a. Disaster Recovery-Johnson County
- b. Building Maintenance-Bank Annex
- c. Right of Way Acquisition-Hwy 121

Comm. McFall, seconded by Comm. Carpenter, made a motion to approve the Budget Amendment pursuant to the Local Government Code *111.010 C* for the Disaster Recovery in Johnson County in the amount of \$10,000.00; the Building Maintenance Fund in the amount of \$10,000.00 for the Bank Annex; and; the Right of Way Acquisition for Hwy 121 in the amount of \$500,000.00.

All voted aye; motion carried.

Commissioner Matthews exited the meeting at 2:26 P.M.

4. CONSIDERATION FOR ADULT PROBATION TO USE COMMUNITY SERVICE LABOR TO REMOVE ALL REMOVABLE INTERIOR WALLS OF BUILDING NORTH OF GUINN JUSTICE CENTER AND TO PROVIDE DUMPSTERS

Comm. Beeson, seconded by Comm. Carpenter, made a motion to approve Adult Probation to use community service labor to remove all removable interior walls of the building North of the Guinn Justice Center and to provide dumpsters.

All voted aye; motion carried.

5. CONSIDERATION OF RE-APPOINTMENTS OF JUDGE ROGER HARMON AND COMMISSIONER R.C. MCFALL TO SERVE ON THE TAX INCREMENT FINANCING DISTRICT #1 FOR A TWO YEAR TERM BEGINNING JUNE, 2008

Comm. Carpenter, seconded by Comm. Beeson, made a motion to re-appoint Judge Roger Harmon and Commissioner R.C. McFall to serve on the Tax Increment Financing District #1 in Cleburne, Texas for a two year term beginning June, 2008.

All voted aye; motion carried.

Commissioner Matthews returned to the meeting at 2:28 P.M.

8. CONSIDERATION OF MEMORANDUM OF AGREEMENT FOR THE
NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS COUNTY
SOLID WASTE FACILITY ORDINANCE PROJECT

Commissioner Beeson, seconded by Comm. Carpenter, made a motion to approve the Memorandum of Agreement for the North Central Texas Council of Governments County Solid Waste Facility Ordinance Project.

All voted aye; motion carried.

X. CONSENT AGENDA

Comm. Matthews, seconded by Comm. McFall, made a motion to approve the Consent Agenda as presented.

All voted aye; motion carried.

XI. WORKSHOP

The Commissioner's Court went into Workshop Session at 2:41 P.M. to discuss Ground Water Districts.

The Commissioner's Court re-convened into Open Session at 2:46 P.M.

BE IT KNOWN that Commissioner's Court met in Executive Session at 2:46 P.M. in accordance with Government Code *Sec. 551.072*-Deliberation Regarding Real Property.

The Commissioner's Court went back into Open Session at 3:42 P.M. to consider the following:

XII. EXECUTIVE SESSION

1. Government Code:

a. *Sec. 551.072*-Deliberation Regarding Real Property

Comm. McFall, seconded by Comm. Carpenter, made a motion giving the County Judge the authorization to execute a Quitclaim Deed to Mr. Lloyd W. Basham and Mr. John Wright for 2.59 acres more or less in the Retreat Subdivision.

All voted aye; motion carried.

Comm. Matthews, seconded by Comm. Carpenter, made a motion giving the County Judge the authorization to contract with an independent 3rd party for consideration to purchase real property.

All voted aye; motion carried.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 3:45 P.M.

Submitted by: _____
County Clerk
Curtis H. Douglas

Approved by: _____
County Judge
Roger Harmon