

STATE OF TEXAS

May 27, 2008

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 27th 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 9:05 A.M., with all members present except for Commissioner John W. Matthews, and following the Invocation led by Donald Bennett 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 22, 2008 at 1:02 P.M., were considered:

V. PUBLIC PARTICIPATION

None.

VI. PUBLIC HEARING

The Commissioner's Court opened a Public Hearing at 9:08 A.M. to discuss:

1. "NO THRU TRUCKS FROM FM 917 ON CR 805, ALSO KNOWN AS MARY'S TOWN CEMETERY ROAD, TO CR 806, ALSO KNOWN AS WEST BETHESDA ROAD, IN PRECINCT #3"

Wava McCullough, Mayor of Cross Timbers and Michael King spoke in support of prohibiting truck traffic from FM 917 on CR 805, also known as Mary's Town Cemetery Road, to CR 806, also known as West Bethesda Road, in Precinct #3.

The hearing was closed at 9:14 A.M.

VII. PRECEDING BUSINESS

1. CONSIDERATION OF **ORDER #2008-11** BEING “NO THRU TRUCKS FROM FM 917 ON CR 805, ALSO KNOWN AS MARY’S TOWN CEMETERY ROAD, TO CR 806, ALSO KNOWN AS WEST BETHESDA ROAD, IN PRECINCT #3”

Comm. Carpenter, seconded by Comm. Beeson, made a motion to approve **Order # 2008-11**, being “No Thru Trucks from FM 917 on CR 805, also known as Mary’s Town Cemetery Road, to CR 806, also known as West Bethesda Road, in Precinct #3.

All voted aye; motion carried

2. CONSIDERATION OF MINUTES OF THE COMMISSIONER’S COURT ON APRIL 28, 2008

Comm. Beeson, seconded by Comm. Carpenter, made a motion to approve the Commissioner’s Court Minutes on April 28, 2008 as submitted by the County Clerk.

All voted aye; motion carried.

3. 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.

4. 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.

5. CONSIDERATION OF TREASURER’S REPORT

Comm. McFall, seconded by Comm. Carpenter, made a motion to approve the Treasurer’s Report as presented by the County Treasurer.

All voted aye; motion carried.

6. CONSIDERATION OF FINAL PLAT OF **GODLEY YARD ADDITION**,
LOTS 1 & 2, BLOCK 1-PRECINCT #1

Comm. McFall, seconded by Comm. Carpenter, made a motion to approve the final plat of **Godley Yard Addition**, Lots 1 & 2, Block 1 in Precinct #1.

All voted aye; motion carried.

The Commissioner's Court recessed at 9:33 A.M. and reconvened at 9:47 A.M. to consider the following:

7. CONSIDERATION OF PRICE INCREASE ON **RFQ 2008-153** FOR ASPHALT
AND ASPHALT EMULSIONS FROM CLEVELAND ASPHALT PRODUCTS

Comm. McFall, seconded by Comm. Carpenter, made a motion to deny the price increase on **RFQ 2008-153** for asphalt and asphalt emulsions from Cleveland Asphalt Products.

All voted aye; motion carried.

VIII. UNFINISHED BUSINESS

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

Discussion. No Action.

2. CONSIDERATION OF CONTRACT FOR MANAGEMENT SERVICES
WITH TRAYLOR & ASSOCIATES, INC. TO ADMINISTER THE HOME
PROGRAM

Comm. McFall, seconded by Comm. Beeson, made a motion to approve the contract for Management Services with Traylor & Associates, Inc. to administer the Home Program.

All voted aye; motion carried.

3. CONSIDERATION OF CONTRACT TO LEASE COUNTY OWNED LAND TO CHESAPEAKE EXPLORATIONS, L.L.C. DESCRIBED AS C. CHANEY SURVEY, A-124: PEARCE AND JESTER ADDITION; 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 AND 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 (SERVICE COMPLEX-RFP #2008-163)-PRECINCT #4

Comm. Beeson, seconded by Comm. Carpenter, made a motion to approve the contract to lease County owned land to Chesapeake Explorations, L.L.C. described as 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 and 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 (Service Complex-RFP #2008-163) with a Royalty of 25% at the well head and a bonus amount of \$5,000.00 per acre in Precinct #4 and to give the County Judge authorization to sign.

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

motion carried.

4. CONSIDERATION OF CONTRACT TO LEASE COUNTY OWNED LAND TO CHESAPEAKE EXPLORATIONS, L.L.C. 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 (PUBLIC SQUARE)-JOHNSON COUNTY, TEXAS, RECORDED IN VOLUME 3011, PAGE 49, DEED RECORDS, JOHNSON COUNTY, TEXAS-(204 S. BUFFALO-RFP #2008-162)-PRECINCT #1

Comm. Carpenter, seconded by Comm. Beeson, made a motion to approve the contract to lease County owned land to Chesapeake Explorations, L.L.C. 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 (Public Square)-Johnson County, Texas, recorded in Volume 3011, Page 49, Deed Records, Johnson County, Texas-(204 S. Buffalo)-RFP #2008-162 with a Royalty of 25% at the well head and a bonus amount of \$5,000.00 per acre in Precinct #1 and to give the County Judge authorization to sign.

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

motion carried.

5. CONSIDERATION OF CONTRACT TO LEASE COUNTY OWNED LAND TO CHESAPEAKE EXPLORATIONS, L.L.C. BEING 1.85 ACRES, MORE OR LESS, SITUATED IN THE C. CHANEY SURVEY, ABSTRACT NO. 124, JOHNSON COUNTY, TEXAS, AS DESCRIBED IN THE ATTACHED "EXHIBIT A" (PUBLIC SQUARE-RFP-2008-159A)-PRECINCT #1

Comm. Beeson, seconded by Comm. Carpenter, made a motion to approve the contract to lease County owned land to Chesapeake Explorations, L.L.C. 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, Johnson County, Texas-(Public Square)-RFP #2008-159A with a Royalty of 25% at the well head and a bonus amount of \$5,000.00 per acre in Precinct #1 and to give the County Judge authorization to sign.

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

motion carried.

6. CONSIDERATION OF HAM CREEK PARK FEES SCHEDULE AND HOURS OF OPERATION

Comm. McFall, seconded by Comm. Carpenter, made a motion to approve the Ham Creek Park day fee schedule and hours of operation as attached.

All voted aye; motion carried.

7. CONSIDERATION TO ACCEPT GRANT FUNDING FOR THE CLEAN AIR COALITION LOCAL INITIATIVE PROJECTS FY 2008/2009, BUDGET AND PROJECT SUMMARY FORM-(LIRAP)-SHERIFF'S OFFICE

Comm. Beeson, seconded by Comm. McFall, made a motion to decline to participate in the Grant funding for the Clean Air Coalition Local Initiative Projects FY 2008/2009, Budget and Project Summary Form-(LIRAP) for the Sheriff's Office.

All voted aye; motion carried.

The Commissioner's Court recessed at 10:48 A.M. and reconvened at 11:07 A.M. to consider the following:

IX. NEW BUSINESS

4. CONSIDERATION OF JOHNSON COUNTY HISTORICAL COMMISSION'S INTEREST IN ACQUIRING A STATE HISTORICAL MARKER FOR THE OLD JAIL BUILDING ON MILL STREET

Comm. McFall, seconded by Comm. Carpenter, made a motion to approve the Johnson County Historical Commission's interest in acquiring a State Historical Marker for the Old Jail building on Mill Street.

All voted aye; motion carried.

7. CONSIDERATION OF CONTRACT WITH BROOKHAVEN YOUTH RANCH-JUVENILE PROBATION DEPARTMENT

Comm. McFall, seconded by Comm. Beeson, made a motion to approve the Contract with Brookhaven Youth Ranch for the Juvenile Probation Department and to give the County Judge authorization to sign.

All voted aye; motion carried.

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSAL

Comm. Carpenter, seconded by Comm. McFall, made a motion to advertise for Bids/Proposals for Precinct #1-a Backhoe, Precinct #3-a 1998 Geff's Manufacturing 14' Chip Spreader from Tarrant County in the amount of \$19,000.00 and Rene Bates Auctioneers for online auctions with an Interlocal Agreement with Ector County.

All voted aye; motion carried.

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

- a. Sheriff's Department-Vehicle & Equipment Maintenance
- b. Road & Bridge, Precinct #2-Road Material
- c. Sheriff's Department-Equipment Non-Capital

Comm. Beeson, seconded by Comm. McFall, made a motion to approve the Budget Amendment pursuant to the Local Government Code 111.0106 for vehicle and equipment maintenance for the Sheriff's Office in the amount of \$8,223.00; Road & Bridge for road material in the amount of \$3,154.00 in Precinct #2; and Equipment Non-Capital for the Sheriff's Office in the amount of \$5,650.00.

All voted aye; motion carried.

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

- a. Non-Departmental-Establish Disaster Recovery Fund
- b. Building Maintenance-Create Line Items for Newly Acquired County Buildings

Comm. McFall, seconded by Comm. Beeson, made a motion to approve the Budget Amendment pursuant to the Local Government Code *111.010 C* for the Non-Departmental to Establish Disaster Recovery Fund in Johnson County in the amount of \$50,864.00; and the Building Maintenance Fund in the amount of \$5,000.00 for utilities, \$500.00 for exterminating and \$5,000.00 for building repair and maintenance for newly acquired County buildings.

All voted aye; motion carried.

5. CONSIDERATION OF SERVICE AGREEMENT WITH WASTE MANAGEMENT FOR LARGER WASTE DUMPSTER-PRECINCT #1

Comm. McFall, seconded by Comm. Carpenter, made a motion to approve the Service Agreement with Waste Management for larger waste dumpster in Precinct #1 and to give the County Judge authorization to sign.

All voted aye; motion carried.

6. CONSIDERATION OF AGREEMENT WITH MAGISTRATE FOR SEARCH WARRANTS FOR BLOOD

Comm. Carpenter, seconded by Comm. Beeson, made a motion to approve the Agreement with Magistrate for Search Warrants for Blood and to give the County Judge authorization to sign.

All voted aye; motion carried.

8. CONSIDERATION OF MEMORANDUM OF AGREEMENT BETWEEN NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS AND JOHNSON COUNTY FOR ACCESS TO THE EMISSIONS DATABASE-SHERIFF'S OFFICE

Comm. Carpenter, seconded by Comm. Beeson, made a motion to approve the Memorandum of Agreement between the North Central Texas Council of Governments and Johnson County for access to the Emissions Database at the Sheriff's Office and to give the County Judge and Mike Gilbert of the Sheriff's Office the authorization to sign.

All voted aye; motion carried.

X. CONSENT AGENDA

Comm. McFall, seconded by Comm. Beeson, 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 11:28 A.M. to discuss the SRO & ASAP Programs.

The Commissioner's Court recessed at 12:02 P.M. and reconvened back into Workshop Session at 1:25 P.M. to discuss Payroll Administration of Fringe Benefits.

The Commissioner's Court reconvened into Regular Session at 1:40 P.M.

BE IT KNOWN that Commissioner's Court met in Executive Session at 1:40 P.M. in accordance with Government Code *Sec. 551.074*-Personnel: County Clerk-Melinda Jagers, Public Works-Jacque Johnson and Michelle Miracle and Veterans Service Officer; *Sec. 551.071*-Consultation with Attorney-Contemplated Litigation.

The Commissioner's Court went back into Open Session at 2:45 P.M. to consider the following:

XII. EXECUTIVE SESSION

1. Government Code:

a. *Sec. 551.074*-Personnel:

(1) County Clerk-Melinda Jagers

Comm. Beeson, seconded by Comm. Carpenter, made a motion to approve Melinda Jagers of the County Clerk's Office to pay the calculated back retirement amount of \$572.24 and give credit for part time employment for Johnson County.

All voted aye; motion carried.

(2) Public Works-Jacque Johnson and Michelle Miracle

Comm. Carpenter, seconded by Comm. McFall, made a motion to approve the salaries of Jacque Johnson and Michelle Miracle of the Public Works Office to be increased to \$9.53 per hour as stated at the time of hire.

All voted aye; motion carried.

(3) Veterans Service Officer

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

All voted aye; motion carried.

b. *Sec. 551.071*-Consultation with Attorney-Contemplated Litigation

Comm. Beeson, seconded by Comm. Carpenter, made a motion to authorize Honorable Lynn Stavinoaha, tax attorney with Perdue, Brandon, Fielder, Collins, & Mott, L.L.P. to send a letter stating there will not be a refund for tax account number 126-6634-91222.

All voted aye; motion carried.

There being no further business before the Court concerning this agenda,
Commissioner's Court adjourned at 2:49 P.M.

Submitted by: _____
County Clerk
Curtis H. Douglas

Approved by: _____
County Judge
Roger Harmon