

STATE OF TEXAS

June 30, 2008

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 30th day of June 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 9:00 A.M., with all members present, and following the Invocation led by Pastor Russ Weaver, Sheppard's Valley Cowboy 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 June 26, 2008 at 1:09 P.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

Commissioner McFall wanted to thank everyone for attending on behalf of Dr. Raines and what a privilege it has been to work with Dr. Raines and how much he appreciated him and his many hours of service and his professionalism shown while working with the County. Commissioner McFall also announced that he had a new grandson, Logan Reese who was born June 16, 2008.

1. PRESENTATION OF PLAQUE TO DR. ARTHUR RAINES, MEDICAL EXAMINER/PUBLIC HEALTH OFFICER 1976-2008

The Commissioner's Court presented Dr. Arthur Raines, Medical Examiner/Public Health Officer with a plaque in appreciation for his years of service and dedication to Johnson County and its citizens.

2. RECEPTION TO HONOR DR. ARTHUR RAINES

Judge Roger Harmon announced that there will be a reception to honor Dr. Arthur Raines.

The Commissioner's Court recessed at 9:43 A.M. and reconvened at 10:16 A.M.

to consider the following:

V. PUBLIC PARTICIPATION

None.

VI. PRECEDING BUSINESS

1. CONSIDERATION OF MINUTES OF THE COMMISSIONER'S COURT:

- a. May 27, 2008-Regular Session
- b. June 2, 2008-Special Session
- c. June 9, 2008-Regular Session
- d. June 13, 2008-Special Session

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the Commissioner's Court Minutes for May 27, 2008, June 2, 2008, June 9, 2008 and June 13, 2008 as submitted by the County Clerk.

All voted aye; motion carried.

2. CONSIDERATION OF REQUEST TO PAY BILLS

Comm. McFall, seconded by Comm. Matthews, 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 TREASURER'S REPORT

Comm. McFall, seconded by Comm. Matthews, made a motion to approve the Treasurer's Report with the Amendment included as presented by the County Treasurer.

All voted aye; motion carried.

5. CONSIDERATION OF FINAL PLAT OF **THE RETREAT** PHASE 8-LOTS 1-53, BLOCK 69; LOTS 1-14, BLOCK 70; LOTS 1-21, BLOCK 71; AND LOTS 1-22, BLOCK 72-PRECINCT #1

Comm. McFall, seconded by Comm. Carpenter, made a motion to approve the final plat of **The Retreat** Phase 8-Lots 1-53, Block 69; Lots 1-14, Block 70; Lots 1-21, Block 71; and Lots 1-22, Block 72 in Precinct #1.

All voted aye; motion carried.

6. CONSIDERATION TO AWARD RFP'S:

a. **RFP 2008-164**-Repair and Maintenance for Copiers, Fax Machines and Printers

Comm. Beeson, seconded by Comm. Carpenter, made a motion to award **RFP 2008-164** to Hewlett Office Systems for repair, maintenance and toner for copiers, fax machines and printers.

All voted aye; motion carried.

b. **RFP 2008-165**-Sale and Relocation of Building at 1601 N. Anglin, Cleburne, Texas

Comm. McFall, seconded by Comm. Matthews, made a motion to re-advertise for **RFP 2008-165** for the sale and relocation of the Building at 1601 N. Anglin, Cleburne, Texas with no minimum bid required.

All voted aye; motion carried.

- c. **RFP 2008-166-Sale of Strip of Property at the “Retreat” on FM 1434**

Comm. McFall, seconded by Comm. Matthews, made a motion to re-advertise for **RFP 2008-166** for the sale of a strip of property at the “Retreat” on FM 1434 with a minimum of \$3,000.00 per acre.

All voted aye; motion carried.

- e. **RFP 2008-168-Vending Machine Services**

Comm. Carpenter, seconded by Comm. Matthews, made a motion to award **RFP 2008-168** to Ben’s Vending for vending machine services.

All voted aye; motion carried.

7. **CONSIDERATION OF EMERGENCY PURCHASE UNDER LOCAL GOVERNMENT CODE *SECTION 262.024*, (2) DISCRETIONARY EXEMPTIONS FOR REPLACEMENT OF COMPRESSOR C3C AT THE JOHNSON COUNTY LAW ENFORCEMENT CENTER**

Comm. Beeson, seconded by Comm. Carpenter, made a motion to approve the emergency purchase under Local Government Code *Section 262.024*, (2) for Discretionary Exemptions for the replacement of Compressor C3C at the Johnson County Law Enforcement Center in the amount of \$5,600.00.

All voted aye; motion carried.

8. **CONSIDERATION OF DISCRETIONARY EXEMPTION UNDER LOCAL GOVERNMENT CODE *SECTION 262.024*, (7) AS SOLE SOURCE VENDOR FOR EPRISM UPGRADE TO M2000 AND IPRISM UPGRADE TO 30H**

Comm. Beeson, seconded by Comm. Carpenter, made a motion to approve the Discretionary Exemption under Local Government Code *Section 262.024*, (7) as the sole source vendor for Eprism upgrade to M2000 and Iprism upgrade to 30H.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

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

Discussion in reference to issues with the louvers in the bell tower, moisture due to water seepage and calking around windows of the Historic Courthouse.

No Action.

2. CONSIDERATION OF **ORDER #2008-08-A** BEING AN AMENDMENT OF THE DESIGNATION OF A LOCATION FOR FORECLOSURE SALES AND POSTING OF NOTICE OF THE SALES PURSUANT TO *SECTION 51.002* OF THE TEXAS PROPERTY CODE AT THE JOHNSON COUNTY COURTHOUSE

Comm. Carpenter, seconded by Comm. Beeson, made a motion to approve **Order #2008-08-A** being an Amendment of the designation of a location for Foreclosure Sales and Posting of Notice of the Sales pursuant to *Section 51.002* of the Texas Property Code at the Johnson County Courthouse.

All voted aye; motion carried.

3. CONSIDERATION OF APPOINTMENT OF ADA COORDINATOR

Comm. Matthews, seconded by Comm. McFall, made a motion to appoint Tom Owen, Personnel Director as the ADA Coordinator for Johnson County.

All voted aye; motion carried.

4. CONSIDERATION OF APPOINTMENT OF HIPPA COMPLIANCE OFFICER AND CHIEF SECURITY OFFICIAL

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

All voted aye; motion carried.

5. CONSIDERATION OF PRODUCTION SHARING AGREEMENT ON THE  
SID ELLIS GAS UNIT WITH DEVON ENERGY CORPORATION-PRECINCT  
#4

Comm. Beeson, seconded by Comm. Matthews, made a motion to approve the Production Sharing Agreement on the Sid Ellis Gas Unit with Devon Energy Corporation in Precinct #4.

All voted aye; motion carried.

6. CONSIDERATION TO PURCHASE 2007 CHEVY MALIBU VEHICLE FOR  
THE MEDICAL EXAMINER'S OFFICE

Comm. Beeson, seconded by Comm. Carpenter, made a motion to approve the purchase of a 2007 Chevy Malibu vehicle in the amount of \$15,986.00 for the Medical Examiner's Office.

All voted aye; motion carried.

VIII. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. McFall, seconded by Comm. Matthews, made a motion to advertise for Bids/Proposals for Precinct #2-6,000 gallon CRS2 tank off of Buy Board not to exceed \$42,000.00; Tax Office-printing of tax forms for the Tax Assessor; Adult Probation-substance abuse counseling and re-advertise for **RFP 2008-165**-sale and relocation of the Building at 1601 N. Anglin, Cleburne, Texas with no minimum bid required and advertise for **RFP 2008-166**-Sale of Strip of Property at the "Retreat" on FM 1434 with a minimum of \$3,000.00 per acre.

All voted aye; motion carried.

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

- a. Road Repair Materials Donated by Devon Energy Inc. in the Amount of \$28,229.86-Precinct #4
- b. Road Repair Materials Donated by Devon Energy, Inc. and Quicksilver Resources in the Amount of \$4,251.00-Precinct #1
- c. Road Repair Materials Donated by Devon Energy, Inc. in the Amount of \$4,419.06-Precinct #1
- d. Road Repair Materials Donated by Chesapeake Energy Corporation in the Amount of \$29,662.31-Precinct #1

Comm. McFall, seconded by Comm. Matthews, made a motion to approve the Budget Amendment pursuant to the Local Government Code *111.0106* for road repair materials donated by Devon Energy Inc. in the amount of \$28,229.86 in Precinct #4; road repair materials donated by Devon Energy Inc. and Quicksilver Resources in the amount of \$4,251.00 in Precinct #1; road repair materials donated by Devon Energy Inc. in the amount of \$4,419.06 in Precinct #1 and road repair materials donated by Chesapeake Energy Corporation in the amount of \$29,662.31 in Precinct #1.

All voted aye; motion carried.

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

- a. Part Time/Temporary Employee-Justice of the Peace-Precinct #2
- b. Part Time/Temporary Employee-District Attorney
- c. Equipment Non Capital (telephone headsets)-Justice of the Peace, Precinct #1

Comm. McFall, seconded by Comm. Beeson, made a motion to approve the Budget Amendment pursuant to the Local Government Code *111.010 C* for a part time/temporary employee for the Justice of the Peace in Precinct 2; for a part time/temporary employee for the District Attorney's Office and Equipment Non Capital (telephone headsets) in the amount of \$732.00 for telephone headset Justice of the Peace in Precinct #1 .

All voted aye; motion carried.

4. CONSIDERATION TO ACCEPT LETTER OF RESIGNATION OF TONI D. DRIVER, MAGISTRATE AT THE JOHNSON COUNTY LAW ENFORCEMENT CENTER

Comm. Beeson, seconded by Comm. Carpenter, made a motion to accept the resignation of Toni D. Driver, Magistrate at the Johnson County Law Enforcement Center.

All voted aye; motion carried.

5. CONSIDERATION TO APPOINT RUTH BROWN, MAGISTRATE AT THE JOHNSON COUNTY LAW ENFORCEMENT CENTER FOR WEEKEND ARRAIGNMENTS ONLY

Comm. McFall, seconded by Comm. Matthews, made a motion to appoint Ruth Brown as Magistrate at the Johnson County Law Enforcement Center for weekend and holiday arraignments only effective July 1, 2008 at \$100.00 per day and to give the County Judge authorization to sign.

All voted aye; motion carried.

6. CONSIDERATION OF PROFESSIONAL SERVICES AGREEMENT BETWEEN JOHNSON COUNTY, TEXAS AND RUTH BROWN FOR MAGISTRATE SERVICES AT THE JOHNSON COUNTY LAW ENFORCEMENT CENTER



Comm. McFall, seconded by Comm. Matthews, made a motion to approve the Professional Services Agreement between Johnson County, Texas and Ruth Brown for Magistrate services at the Johnson County Law Enforcement Center and to give the County Judge authorization to sign.

All voted aye; motion carried.

20. CONSIDERATION TO HIRE CLERK IN POSITION #F07-002 TO RECEIVE A BILINGUAL SUPPLEMENT PAY-JUSTICE OF THE PEACE, PRECINCT #1

Comm. McFall, seconded by Comm. Carpenter, made a motion to approve the hiring of a clerk in position #F07-002 to receive a bilingual supplement pay in Justice of the Peace, Precinct #1.

All voted aye; motion carried.

7. CONSIDERATION OF OFFICIAL BOND AND OATHS FOR JOHNSON COUNTY EMPLOYEES:

a. Linda Rowe-Mail Clerk

Comm. Carpenter, seconded by Comm. McFall, made a motion to approve the Official Bond and Oath for Linda Rowe, Mail Clerk.

All voted aye; motion carried.

b. Claudia Gaarz-Deputy Treasurer

Comm. McFall, seconded by Comm. Matthews, made a motion to approve the Official Bond and Oath for Claudia Gaarz, Deputy Treasurer.

All voted aye; motion carried.

8. CONSIDERATION OF INTERLOCAL AGREEMENTS FOR PRECINCT #3:

- a. Sealcoat of Roads in the City of Briar Oaks
- b. Patch Work of Roads in the City of Briar Oaks

Comm. Carpenter, seconded by Comm. McFall, made a motion for the Interlocal Agreements for Precinct #3 for sealcoat of roads in the City of Briar Oaks and for patch work of roads in the City of Briar Oaks in the amount of \$31,318.12.

All voted aye; motion carried.

9. CONSIDERATION OF JUVENILE BOARD ORDER FOR TRANSPORTATION OF JUVENILES

Comm. Carpenter, seconded by Comm. Beeson, made a motion for to approve the Juvenile Board Order for Transportation of Juveniles.

The Court voted by a raised hand.

Comm. R.C. McFall	Aye
Comm. John Matthews	Aye
Comm. Mark Carpenter	Aye
Comm. Don Beeson	Aye
County Judge Roger Harmon	Aye

Motion carried by unanimous hand vote.

10. CONSIDERATION TO RE-APPOINT WAVA MCCULLOUGH TO THE PECAN VALLEY MENTAL RETARDATION REGION BOARD OF TRUSTEES

Comm. Carpenter, seconded by Comm. McFall, made a motion to re-appoint Wava McCullough to the Pecan Valley Mental Retardation Region Boards of Trustees.

All voted aye; motion carried.

11. CONSIDERATION TO REQUEST A PORTION OF THE UNCLAIMED CAPITAL CREDITS FROM ELECTRIC COOPERATIVES FROM THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS CERTIFYING THAT THE PURPOSE OF THE FUNDS IS IN COMPLIANCE WITH THE PROVISION OF SECTION 381.004 OF THE TEXAS LOCAL GOVERNMENT CODE

Comm. McFall, seconded by Comm. Beeson, made a motion to request a portion of the unclaimed capital credits from electric cooperatives from the Texas Comptroller of Public Accounts certifying that the purpose of the funds is in compliance with the Provision of *Section 381.004* of the Texas Local Government Code.

All voted aye; motion carried.

12. CONSIDERATION OF REQUEST TO USE COUNTY PROPERTY FOR SPRINGFEST APRIL 30 THROUGH MAY 3, 2009

Comm. McFall, seconded by Comm. Matthews, made a motion to approve the request to use County property for Springfest April 30 through May 3, 2009.

All voted aye; motion carried.

13. CONSIDERATION TO PAY MILEAGE FOR VOLUNTEER PAUL DEVAULT, VETERANS OFFICE

Comm. Matthews, seconded by Comm. McFall, made a motion to pay mileage for volunteer Paul DeVault, Veteran's Office.

All voted aye; motion carried.

14. CONSIDERATION TO DEACTIVATE SECURITY BADGES OF PERSONNEL MOVED TO THE COURTHOUSE FROM THE GUINN JUSTICE CENTER

Comm. Carpenter, seconded by Comm. McFall, made a motion to approve to deactivate security badges of the personnel that moved to the Courthouse from the Guinn Justice Center.

All voted aye; motion carried.

15. CONSIDERATION TO APPLY FOR THE EMERGENCY OPERATIONS CENTER GRANT PROGRAM

Comm. McFall, seconded by Comm. Matthews, made a motion to apply for the Emergency Operations Center Grant Program.

All voted aye; motion carried.

16. CONSIDERATION OF THE DEPARTMENT OF HEALTH SERVICES LOCATION OF A MOBILE 40-BED HOSPITAL IN JOHNSON COUNTY WHICH WILL SERVE JOHNSON, SOMERVELL, HOOD, BOSQUE AND ELLIS COUNTIES

Comm. McFall, seconded by Comm. Beeson, made a motion to approve the Department of Health Services location of a mobile 40-bed hospital in Johnson County which will serve Johnson, Somervell, Hood, Bosque and Ellis Counties.

All voted aye; motion carried.

19. CONSIDERATION OF CONTRACT WITH MR. ALAN CRAIG, WEATHERFORD MORTUARY SERVICES FOR BODY TRANSPORT

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

All voted aye; motion carried.

IX. CONSENT AGENDA

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

All voted aye; motion carried.

**BE IT KNOWN** that Commissioner's Court met in Executive Session at 12:00 P.M in accordance with Government Code *Sec. 551.074*-Personnel: Juvenile Probation-Laura Rodriguez.

The Commissioner's Court went back into Open Session at 12: 07 P.M. to consider the following:

XI. EXECUTIVE SESSION

1. Government Code:

a. *Sec. 551.074*-Personnel:

(1) Juvenile Probation-Laura Rodriguez

Comm. Matthews, seconded by Comm. Beeson, made a motion approve the bi-lingual supplement pay for Laura Rodriguez in the Juvenile Probation Department.

All voted aye; motion carried.

The Commissioner's Court recessed on June 30, 2008 at 12:09 P.M.

**BE IT KNOWN** that the Commissioner's Court re-convened for a Continuation of the Meeting of June 30, 2008 on July 1, 2008 at 8:36 A.M. at the Johnson County Courthouse thereof, in the City of Cleburne, Johnson County, Texas, with all members present, to consider the following:

X. WORKSHOP

The Commissioner's Court went into Workshop Session at 8:36 A.M. to discuss **RFP #2008-167**-Operation, Management, Maintenance and Medical at the Johnson County Law Enforcement Center.

The Commissioner's Court recessed at 9:46 A.M. and reconvened into Workshop at 10:11 A.M. to discuss **RFP #2008-167**-Operation, Management, Maintenance and Medical at the Johnson County Law Enforcement Center.

The Commissioner's Court re-convened into Open Session at 11:19 A.M. to consider the following:

VI. PRECEDING BUSINESS

6. CONSIDERATION TO AWARD RFP'S:

d. **RFP #2008-167-Operation, Management, Maintenance and Medical at the Johnson County Law Enforcement Center**



Comm. Matthews, seconded by Comm. McFall, made a motion to award **RFP #2008-167** to Community Education Centers, Inc. for operation, management, maintenance and medical at the Johnson County Law Enforcement Center with the approval of the attachment of the addendums which were submitted under the contract which includes a new rate of \$40.25 per day per inmate for the first 3 years of this contract along with the letter dated June 30, 2008 submitted by Sheriff Bob Alford approving the Johnson County Commissioner's Court to enter into negotiations and contract with a private vender to privatize the Johnson County Jail pursuant to *Section 351.102* of the Texas Local Government Code.

All voted aye; motion carried.

VIII. NEW BUSINESS

17. **CONSIDERATION OF CONTRACT CLARIFICATION FOR OPERATION, MANAGEMENT, MAINTENANCE AND MEDICAL AT THE JOHNSON COUNTY LAW ENFORCEMENT CENTER**

Comm. Matthews, seconded by Comm. McFall, made a motion to approve the contract clarification for operation, management, maintenance and medical at the Johnson County Law Enforcement Center with an effective date of September 1, 2008 with the revision of the dollar amount of \$40.25 per day per inmate for the first 3 years of the contract and with the revised proposal to include the guarding of prisoners while in custody at a hospital or healthcare provider along with the letter dated June 30, 2008 submitted by Sheriff Bob Alford

approving the Johnson County Commissioner's Court to enter into negotiations and contract with a private vendor to privatize the Johnson County Jail pursuant to *Section 351.102* of the Texas Local Government Code and to give the County Judge, Sheriff and County Attorney the authorization to sign.

All voted aye; motion carried.

18. CONSIDERATION OF PERSONNEL AT THE JOHNSON COUNTY LAW ENFORCEMENT CENTER

Comm. Beeson, seconded by Comm. Matthews, made a motion to approve the attached list provided by the Sheriff that will continue to be maintained by the Sheriff and in addition to the list will include 3 transport positions be moved to patrol, 2 positions to commercial vehicle enforcement, 4 positions to be a combination of transport and warrant service, 1 investigator to be assigned to the crimes against children's investigation and 1 security officer for the Courthouse.

All voted aye; motion carried.

19. CONSIDERATION OF CONTRACT WITH MR. ALAN CRAIG, WEATHERFORD MORTUARY SERVICES, INC. FOR BODY TRANSPORT

Comm. Beeson, seconded by Comm. McFall, made an amended motion to approve the temporary contract with Mr. Alan Craig, Weatherford Mortuary Services, Inc. for body transport.

All voted aye; motion carried.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 11:35 P.M.

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

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