

STATE OF TEXAS

October 27, 2008

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 27th day of October 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 Wayne Ashlock with First Christian Church, Cleburne, and the Pledge of Allegiance, the following items, having been lawfully posted and filed for record in the Office of the County Clerk on October 23, 2008 at 1:01 P.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

1. PRESENTATION OF LENGTH OF SERVICE AWARDS

Employees of Johnson County were recognized for their service to the County and employees were given Length of Service pins, as attached to these minutes.

2. PRESENTATION OF PROCLAMATION FOR NATIONAL HOME CARE MONTH

The Commissioner's Court proclaimed November, 2008 as National Home Health Care Month.

V. PUBLIC PARTICIPATION

R.C. McFall spoke in regard to the County Budget that was recently adopted and that due to the recent economic hardship, he feels that the Court may need to look at some of the budgeted expenditures and delay the purchase of certain budgeted items.

Don Burns, Public Works Director introduced Dianna Hume as the new Office Manager for Public Works.

Commissioner Mark Carpenter announced the death of Lorene Patterson, former Justice of the Peace, Precinct #3.

Commissioner John Matthews spoke in reference to the Ground Water Conservation District.

VI. PRECEDING BUSINESS

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

- a. September 22, 2008-Regular Session
- b. October 13, 2008-Regular Session
- c. October 17, 2008-Emergency Session

Comm. Matthews, seconded by Comm. McFall, made a motion to approve the Commissioner's Court Minutes for September 22, 2008, October 13, 2008 and October 17, 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 with the addition of the jail contract with Community Education Centers (CEC) in the amount of \$555,635.58.

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

All voted aye; motion carried.

5. CONSIDERATION TO AWARD RFP'S:

- a. **RFP #2009-202-Lease of County Owned Land for Mineral Development, 0.8750 Acres, David Clark Survey, Emerald Point Estates, 271 N. Diamond Lane-Precinct #2**

Comm. Matthews, seconded by Comm. McFall, made a motion to reject the bid on **RFP #2009-202**, for lease of County Owned Land for Mineral Development, 0.8750 acres, David Clark Survey, Emerald Point Estates, 271 N. Diamond Lane in Precinct #2 from Randall J. Holmes based on the lack of meeting specifications.

All voted aye; motion carried.

VIII. NEW BUSINESS

8. **CONSIDERATION OF RENEWAL OF CONTRACT FOR THE COLLECTION OF DELINQUENT TAXES WITH PERDUE, BRANDON, FIELDER, COLLINS & MOTT, LLP**

Comm. Carpenter, seconded by Comm. Beeson, made a motion to approve the Renewal of Contract for the collection of delinquent taxes with Perdue, Brandon, Fielder, Collins & Mott, LLP and to give the County Judge the authorization to sign.

All voted aye; motion carried.

VI. PRECEDING BUSINESS

5. CONSIDERATION TO AWARD RFP'S:

- b. **RFP #2009-204-Used Vibratory Roller-Precinct #4**

Comm. Beeson, seconded by Comm. Carpenter, made a motion to award **RFP #2009-204**, for the purchase of a used 2006 Model Dynapac CA 150 Vibratory Roller from Bane Machinery in the amount of \$41,500.00 for Precinct #4.

All voted aye; motion carried.

6. CONSIDERATION OF DISCRETIONARY EXEMPTION UNDER LOCAL GOVERNMENT CODE 262.024 (7)(A) FOR A SERVER I9406 MODEL 525 AND SOFTWARE ISERIES HIPO

Comm. Carpenter, seconded by Comm. McFall, made a motion to approve the Discretionary Exemption under Local Government *Code 262.024 (7)(A)* for a sole source purchase of a Server I9406 Model 525 and Software iSeries HIPO for ISS.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

4. CONSIDERATION OF GRANT ACCEPTANCE FOR THE STOP TASK FORCE GRANT

Comm. McFall, seconded by Comm. Carpenter, made a motion to approve the grant acceptance for the Stop Task Force Grant in the amount of \$178,870.00 and to give the County Judge the authorization to sign.

All voted aye; motion carried.

5. CONSIDERATION OF GRANT ACCEPTANCE FOR THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (ASAP)

Comm. Carpenter, seconded by Comm. McFall, made a motion to approve the grant acceptance for the State Criminal Alien Assistance Program (SCAAP) in the amount of \$41,910.00 and to give the County Judge the authorization to sign.

All voted aye; motion carried.

3. CONSIDERATION OF ARCHITECTURAL DESIGN, SPECIFICATION, FINANCIAL PROGRAM REQUIREMENTS AND CONTRACTS FOR EXPANSION OF NORTH AND SOUTH ENDS OF THE 3<sup>RD</sup> FLOOR AT THE GUINN JUSTICE CENTER

- a. Installation by AT&T of a POTS line in order for Adult Probation to have Faxing Capabilities at the Temporary Space at the Guinn Justice Center

Comm. Carpenter, seconded by Comm. Beeson, made a motion to approve the installation by AT&T of a POTS line in order for Adult Probation to have faxing capabilities at the temporary space at the Guinn Justice Center.

All voted aye; motion carried.

VIII. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Beeson, seconded by Comm. Matthews, made a motion to advertise for Bids/Proposals for Precinct #4-to purchase from Buy Board a 2008 John Deere 670D Motor Grader in the amount of \$170,000.00 with a trade in allowance of \$71,000.00 for a 1993 Cat 140G-72V15927 with the total cost being \$99,000.00.

All voted aye; motion carried.

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

- a. Non-Departmental-Equipment Non-Capital

Comm. McFall, seconded by Comm. Matthews, made a motion to approve the Budget Amendment pursuant to the Local Government Code *111.0106* for Non-Departmental-Equipment Non-Capital for unexpected refund of lighting expense of courthouse renovation in the amount of \$4,000.00.

All voted aye; motion carried.

3. CONSIDERATION OF BUDGET AMENDMENT PURSUANT TO THE LOCAL GOVERNMENT CODE SECTION 111.010 C FOR 2007-2008:

- a. Law Library-Law Books/Publications
- b. Non-Department-Create SCDS/Dispatch Construction Fund
- c. Treasurer-Equipment Non-Capital
- d. General Debt-General Obligation Ref. 2007
- e. Election-Office Supplies and Fees and Services
- f. SRO Keene ISD-Personnel Salaries, Health Insurance, Unemployment, Fringe Benefits and Uniform Allowance

Comm. McFall, seconded by Comm. Beeson, made a motion to approve the Budget Amendment pursuant to the Local Government Code *111.010 C* for 2007-2008 for Law Library for Law Books/Publications for additional online and print subscriptions in the amount of \$20,000.00; Non-Department to create SCDS Dispatch Construction Fund in the amount of \$25,000.00; Treasurer-Equipment Non-Capital for the purchase of a scanner in the amount of \$153.00; General Debt-General Obligation Ref. 2007 to adjust the Budget in the amount of \$1,045.00; Election-Office Supplies in the amount of \$42,510.00 and Fees and Services in the amount of \$450.00; and SRO Keene ISD for Personnel Salaries, Health Insurance, Unemployment, Fringe Benefits and Uniform Allowance in the amount of \$2,039.00.

All voted aye; motion carried.

4. CONSIDERATION OF BUDGET AMENDMENT PURSUANT TO THE LOCAL GOVERNMENT CODE SECTION 111.010 C FOR 2008-2009:

- a. Sheriff/Jail-Office Supplies
- b. County Attorney-Personnel Salaries
- c. Building Maintenance Courthouse & Guinn-Landscaping
- d. Purchasing-Capital Non-Capital

Comm. Beeson, seconded by Comm. Matthews, made a motion to approve the Budget Amendment pursuant to the Local Government Code *111.010 C* for 2008-2009 for Sheriff/Jail for correction of amount for Office Supplies in the amount of \$9,900.00; County Attorney-Personnel Salaries to reduce Position #E2-001 from \$128,312.00 to \$125,000.00; Building Maintenance for the Courthouse in the amount of \$4,000.00 and Guinn Justice Center in the amount of \$7,800.00; and Purchasing-Capital Non-Capital for additional to purchase a refrigerator in the amount of \$50.00.

All voted aye; motion carried.

5. CONSIDERATION OF BONDS AND OATH FOR:

a. Clifford Cryer, Deputy Constable, Precinct #1

Comm. McFall, seconded by Comm. Beeson, made a motion to approve the Bond and Oath for Clifford Cryer, Deputy Constable in Precinct #1.

All voted aye; motion carried.

b. Mary Lou Corwin, Deputy Constable, Precinct #1

Comm. McFall, seconded by Comm. Matthews, made a motion to approve the Bond and Oath for Mary Lou Corwin, Deputy Constable in Precinct #1.

All voted aye; motion carried.

c. Charles Hooper, Deputy Constable, Precinct #1

Comm. McFall, seconded by Comm. Matthews, made a motion to approve the Bond and Oath for Charles Hooper, Deputy Constable in Precinct #1.

All voted aye; motion carried.

6. CONSIDERATION TO OFFER TOURS OF THE COURTHOUSE DURING THE UPCOMING CANDLEWALK TOUR OF HOMES-SAVE OLD CLEBURNE

Comm. Carpenter, seconded by Comm. McFall, made a motion to approve to offer tours of the Courthouse during the upcoming Candlewalk Tour of Homes for Save Old Cleburne to be held December 6, 2008.

All voted aye; motion carried.

The Commissioner's Court recessed at 10:00 A.M. and reconvened at 10:29 A.M. to consider the following:

VII. UNFINISHED BUSINESS

3. CONSIDERATION OF ARCHITECTURAL DESIGN, SPECIFICATION, FINANCIAL PROGRAM REQUIREMENTS AND CONTRACTS FOR EXPANSION OF NORTH AND SOUTH ENDS OF THE 3<sup>RD</sup> FLOOR AT THE GUINN JUSTICE CENTER

Comm. Matthews, seconded by Comm. McFall, made a motion to approve Scheme #3 as presented by Alan McGee of McGee Architects as the Architectural Design for the South end of the 3<sup>rd</sup> floor at the Guinn Justice Center.

Comm. McFall voted aye.  
Comm. Matthews voted aye.  
Comm. Carpenter voted aye.  
Judge Harmon voted aye.  
Comm. Beeson voted nay.

motion carried.

2. CONSIDERATION OF ARCHITECTURAL DESIGN, SPECIFICATION, FINANCIAL PROGRAM REQUIREMENTS AND CONTRACTS FOR REMODELING OF THE OLD BAND HALL FOR JUSTICE OF THE PEACE, PRECINCT #1 OFFICES



Comm. McFall, seconded by Comm. Carpenter, made a motion to go out for Bids for a General Contractor for remodeling of the Old Band Hall for Justice of the Peace, Precinct #1 and the North and South ends of the 3<sup>rd</sup> floor at the Guinn Justice Center.

All voted aye; motion carried.

1. CONSIDERATION OF ARCHITECTURAL DESIGN, SPECIFICATION, FINANCIAL PROGRAM REQUIREMENTS, AND CONTRACTS FOR ADULT PROBATION BUILDING

Discussion. No Action.

VIII. NEW BUSINESS

7. CONSIDERATION OF RENEWAL AGREEMENT BETWEEN CLEBURNE POLICE DEPARTMENT AND JOHNSON COUNTY REGARDING DETENTION SERVICES FOR CLEBURNE INMATES

Comm. Carpenter, seconded by Comm. McFall, made a motion to deny the Renewal Agreement between Cleburne Police Department and Johnson County regarding detention services for Cleburne inmates and to give the County Judge the authorization to send a letter to the City of Cleburne advising them of the privatization of the Jail and for them to contact Community Education Centers (CEC) directly.

All voted aye; motion carried.

9. CONSIDERATION OF INTERLOCAL AGREEMENT AND COMMISSIONER'S COURT APPROVAL OF ONE (1) MOTOR GRADER OPERATOR FOR ALVARADO INDEPENDENT SCHOOL DISTRICT- PRECINCT #4

Comm. Beeson, seconded by Comm. McFall, made a motion to approve the Interlocal Agreement and Commissioner's Court Approval of one (1) motor grader operator for Alvarado Independent School District in Precinct #4.

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

motion carried.

10. CONSIDERATION OF INTERLOCAL AGREEMENT AND COMMISSIONER'S COURT APPROVAL OF DELIVERY OF 180 TONS OF PEA GRAVEL TO ALVARADO INDEPENDENT SCHOOL DISTRICT- PRECINCT #4

Comm. Beeson, seconded by Comm. McFall, made a motion to approve the Interlocal Agreement and Commissioner's Court Approval of delivery of 180 tons of pea gravel to Alvarado Independent School District in Precinct #4.

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

motion carried.

11. CONSIDERATION OF CONTRACT WITH LEXIS-NEXIS-COUNTY CLERK

Comm. Carpenter, seconded by Comm. Beeson, made a motion to approve a contract with Lexis-Nexis and the County Clerk Law Library and to give the County Judge the authorization to sign.

All voted aye; motion carried.

12. CONSIDERATION OF CONTRACT WITH WEST FOR ACCOUNT #1003203333, PATRON ACCESS; #1000347932, LAW LIBRARY; AND #1003097917, JUDGES-COUNTY CLERK

Comm. McFall, seconded by Comm. Matthews, made a motion to approve the Contract with West for Account #1003203333, Patron Access; #1000347932, Law Library; and #1003097917, Judges for the County Clerk Law Library and to give the County Judge the authorization to sign.

All voted aye; motion carried.

13. CONSIDERATION OF INTERNET USAGE BY MASTER GARDENER VOLUNTEERS IN THE COUNTY EXTENSION OFFICE

Comm. McFall, seconded by Comm. Carpenter, made a motion to approve the internet usage by Master Gardener Volunteers in the County Extension Office.

All voted aye; motion carried.

14. CONSIDERATION TO SET DECEMBER 13, 2008 FOR THE JOHNSON COUNTY CHRISTMAS PARTY

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve December 13, 2008 for the Johnson County Christmas party.

All voted aye; motion carried.

IX. CONSENT AGENDA

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

All voted aye; motion carried.

VIII. NEW BUSINESS

15. CONSIDERATION TO OPEN THE JOHNSON COUNTY COURTHOUSE ON ELECTION NIGHT NOVEMBER 4, 2008

Comm. Matthews, seconded by Comm. Beeson, made a motion to deny to open the Johnson County Courthouse on Election night November 4, 2008.

All voted aye; motion carried.

The Commissioner's Court recessed at 11:43 A.M. and reconvened at 1:23 P.M. to consider the following:

Commissioner R.C. McFall did not return to the meeting.

X. WORKSHOP

The Commissioner's Court convened into Workshop Session at 1:26 P.M. to discuss County Solid Waste Facility Siting Ordinance; Sealing Underground of Courthouse on South East Corner due to Water Infiltration; and Display Plans for Cabinets for the Museum Room.

The Commissioner's Court re-convened into Open Session at 2:29 P.M. to consider the following:

VIII. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Beeson, seconded by Comm. Matthews, made an amended motion to advertise for Bids/Proposals for Precinct #4-to purchase from Buy Board a 2008 John Deere 670D Motor Grader in the amount of \$170,000.00 with a trade in allowance of \$71,000.00 for a 1993 cat 140G-72V15927 with the total cost being \$99,000.00; and for display cabinets to be built in the museum room at the Courthouse.

All voted aye; motion carried.

**BE IT KNOWN** that Commissioner's Court met in Executive Session at 2:31 P.M. in accordance with Government Code *Sec. 551.072*-Real Estate.

The Commissioner's Court re-convened into Open Session at 3:04 P.M. to consider the following:

XI. EXECUTIVE SESSION

1. Government Code:

a. *Sec. 551.072-Real Estate*

Comm. Matthews, seconded by Comm. Carpenter, made a motion to approve the counter offer for the 121 Right of Way on Parcels 435 and 435E and give the County Judge the authority to execute said offer.

All voted aye; motion carried.

Comm. Matthews, seconded by Comm. Carpenter, made a motion to give the County Judge the authority to execute the commercial contract and to continue the negotiations on behalf of Johnson County and to give the County Judge the authorization to execute any closing documents that may be associated with the commercial contract.

All voted aye; motion carried.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 3:07 P.M.

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

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