

STATE OF TEXAS

December 22, 2008

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 22nd day of December 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 Danny Crosby, First Baptist 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 December 18, 2008 at 1:55 P.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

1. PRESENTATION OF PLAQUE TO R. C. MCFALL IN APPRECIATION FROM THE HERITAGE FOUNDATION FOR THE CHISHOLM TRAIL PROJECT

The Heritage Foundation presented a plaque to R. C. McFall in appreciation for the Chisholm Trail Project.

2. PRESENTATION OF PLAQUE TO COMMISSIONER R. C. MCFALL, PRECINCT #1 FOR HIS DEDICATED SERVICE TO THE CITIZENS OF JOHNSON COUNTY

The Commissioner's Court presented a plaque to Commissioner R. C. McFall, Precinct #1 for his dedicated service to the citizens of Johnson County.

3. PRESENTATION OF PLAQUE TO COMMISSIONER MARK C. CARPENTER, PRECINCT #3 FOR HIS DEDICATED SERVICE TO THE CITIZENS OF JOHNSON COUNTY

The Commissioner's Court presented a plaque to Commissioner Mark C. Carpenter, Commissioner Precinct #3 for his dedicated service to the citizens of Johnson County.

V. RECEPTION HONORING COMMISSIONER R.C. MCFALL, PRECINCT #1 AND MARK C. CARPENTER, PRECINCT #3

The Commissioner's Court recessed at 9:49 A.M. and reconvened at 10:20 A.M. to consider the following:

**BE IT KNOWN** that Commissioner's Court met in Executive Session at 10:20 A.M. in accordance with Government Code *Sec. 551.072-Real Estate and Section 551.074-Personnel-* District Attorney's Office: Crystal Rodriguez, Connie James and Eva Fidalgo.

The Commissioner's Court re-convened into Open Session at 10:43 A.M. to consider the following:

VI. PUBLIC PARTICIPATION

None.

VII. PRECEDING BUSINESS

1. NOTIFICATION TO THE COURT THAT THE AUCTION HELD BY RENE BATES ON DECEMBER 10<sup>TH</sup>, 2008 FEATURING EQUIPMENT FROM PRECINCT #1 RESULTED IN EXCELLENT RETURNS

Margaret Cook, Purchasing Agent, gave notification to the Court that the auction held by Rene Bates on December 10<sup>th</sup>, 2008 featuring equipment from Precinct #1 resulted in excellent returns in the amount of \$57,912.09.

2. NOTIFICATION TO THE COURT THAT THE COUNTY RECEIVED A REBATE CHECK FROM COOPERATIVE PURCHASING PARTNERS BUYBOARD

Margaret Cook, Purchasing Agent, gave notification to the Court that the County received a rebate check from Cooperative Purchasing Partners BuyBoard in the amount of \$2,727.38.

3. 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.

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

All voted aye; motion carried.

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

- a. November 10, 2008-Regular Session
- b. December 1, 2008-Special Session

Comm. Beeson, seconded by Comm. Carpenter, made a motion to approve the Commissioner's Court Minutes for November 10, 2008 and December 1, 2008 as submitted by the County Clerk.

All voted aye; motion carried.

7. CONSIDERATION TO ACCEPT ROADS FOR COUNTY MAINTENANCE IN VENUS RIDGE I & II-CHESTNUT, MACADAMIA, SOFT SHELL-PRECINCT #3

Comm. Carpenter, seconded by Comm. Beeson, made a motion to accept roads for County maintenance in **Venus Ridge I & II** for Chestnut, Macadameia and Soft Shell in Precinct #3.

All voted aye; motion carried.

8. CONSIDERATION TO LEASE COUNTY OWNED LAND FOR MINERAL DEVELOPMENT ON THE FOLLOWING PROPERTY, BEING 1.04 ACRES, MORE OR LESS, OUT OF THE WILLIAM J. CULVERHOUSE SURVEY, ABSTRACT NO. 163, BEING LOT 2, BLOCK 1, ROLLING ACRES, AN ADDITION TO THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGE 105, PLAT RECORDS, JOHNSON COUNTY, TEXAS BEING MORE PARTICULARLY DESCRIBED IN A SPECIAL WARRANTY DEED DATED NOVEMBER 6, 2006, FROM JOHNSON COUNTY MENTAL HEALTH RETARDATION CENTER, ALSO KNOWN AS JOHNSON COUNTY M.H.M.R., JOHNSON COUNTY, TEXAS RECORDED THEREOF IN VOLUME 3944, PAGE 275 DEED RECORDS, JOHNSON COUNTY, TEXAS AND AMENDMENTS THEREOF, INCLUDING STREETS, EASEMENTS AND ALLEYWAY ADJACENT THERETO AND ANY RIPARIAN RIGHTS. (ROLLING ACRES, SECTION 1, 2901 FM 2280) PRECINCT #4

Comm. Beeson, seconded by Comm. Carpenter, made a motion to advertise to lease County owned land for mineral development on the following property, being 1.04 acres, more or less, out of the William J. Culverhouse Survey, Abstract No. 163, being Lot 2, Block 1, Rolling Acres, an Addition to the City of Cleburne, Johnson County, Texas according to the Plat recorded in Volume 1, Page 105, Plat Records, Johnson County, Texas being more particularly described in a Special Warranty Deed dated November 6, 2006, from Johnson County Mental Health and Mental Retardation Center, also known as Johnson County M.H.M.R., Johnson County, Texas recorded thereof in Volume 3944, Page 275 Deed Records, Johnson County, Texas and Amendments thereof, including streets, easements and alleyway adjacent thereto and any Riparian Rights. (Rolling Acres, Section 1, 2901 FM 2280) in Precinct #4 with a Royalty of 25% at the well head and \$2,600.00 per acre with a no drill clause on this property.

All voted aye; motion carried.

9. CONSIDERATION OF OIL AND GAS LEASE WITH CHESAPEAKE EXPLORATION, LLC ON THE FOLLOWING PROPERTY, BEING 2.485 ACRES, MORE OR LESS, SITUATED IN THE STEPHEN S. TOWNSEND SURVEY, ABSTRACT NO. 840, JOHNSON COUNTY, TEXAS, KNOWN AS TRACT IV: THE NORTHEASTERLY ½ OF LOT 10, HIGHLAND ESTATES, AN ADDITION TO JOHNSON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGE 430, PLAT RECORDS, JOHNSON COUNTY, TEXAS AS DESCRIBED IN THAT CERTAIN SPECIAL WARRANTY DEED DATED SEPTEMBER 1, 2006, FROM JOHNSON COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER, ALSO KNOWN AS JOHNSON COUNTY MHMR TO JOHNSON COUNTY, TEXAS, RECORDED IN VOLUME 3944, PAGE 275, DEED RECORDS, JOHNSON COUNTY, TEXAS (1018 HIGHLAND ROAD-RFP #2008-155-PRECINCT #1

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the oil and gas lease with Chesapeake Exploration, LLC on the following property, being 2.485 acres, more or less, situated in the Stephen S. Townsend Survey, Abstract No. 840, Johnson County, Texas, known as Tract IV: the Northeasterly ½ of Lot 10, Highland Estates, an addition to Johnson County, Texas, according to the Plat recorded in Volume 1, Page 430, Plat Records, Johnson County, Texas, as described in that certain Special Warranty Deed dated September 1, 2006, from Johnson County Mental Health Mental Retardation Center, also known as Johnson County M.H.M.R. to Johnson County, Texas, recorded in Volume 3944, Page 275, Deed Records, Johnson County, Texas (1018 Highland Road-RFP #2008-155) in Precinct #1.

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

motion carried.

10. CONSIDERATION OF REQUEST FROM BOSQUE COUNTY SHERIFF'S OFFICE FOR SURPLUS OFFICE FURNITURE UNDER LOCAL GOVERNMENT CODE 263.152(a)(1)

Comm. McFall, seconded by Comm. Beeson, made a motion to approve the request from Bosque County Sheriff's Office to purchase surplus office furniture under Local Government Code 263.152(a)(1).

All voted aye; motion carried.

11. CONSIDERATION TO AWARD RFP'S:

- a. **RFP #2009-214-Request to Sell 1998 F150 Truck-Precinct #2**  
(1) Request to Salvage due to No Response and Allow for Disposition under Local Government Code 263.152, (a) (1) (3)

Comm. Matthews, seconded by Comm. McFall, made a motion to approve the request to salvage the 1998 F150 truck in Precinct #2 due to no response and allow for disposition under Local Government Code 263.152, (a) (1) (3).

All voted aye; motion carried.

- b. **RFP #2009-216-Goose-Neck, New or Used Trailer-Precinct #4**

Comm. Beeson, seconded by Comm. Carpenter, made a motion to approve **RFP #2009-216** for a 1984 Goose-Neck trailer in the amount of \$5,500.00 for Precinct #4.

All voted aye; motion carried.

- c. **RFP #2009-212-Road Signs and Markers**

Comm. McFall, seconded by Comm. Beeson, made a motion to award **RFP #2009-212** for road signs and markers to Custom Products as the primary vendor and Vulcan Signs as the secondary vendor.

All voted aye; motion carried.

VIII. UNFINISHED BUSINESS

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

Discussion. No Action.

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

Discussion. No Action.

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

Discussion. No Action.

4. CONSIDERATION OF INTERLOCAL AGREEMENT TO ESTABLISH A GROUNDWATER CONSERVATION DISTRICT AND PROVIDING FOR THE DISTRIBUTION OF ASSOCIATED COST

Comm. McFall, seconded by Comm. Carpenter, made a motion to approve the Interlocal Agreement to Establish a Groundwater Conservation District and Providing for the Distribution of Associated Cost.

All voted aye; motion carried.

5. CONSIDERATION OF WEBSITE DESIGN CONTRACT WITH SAGENTIC WEB DESIGN

Comm. McFall, seconded by Comm. Matthews, made a motion to approve the Website Design Contract with Sagentik Web Design and to give the County Judge the authorization to sign.

All voted aye; motion carried.

IX. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Matthews, seconded by Comm. McFall, made a motion to advertise for Bids/Proposals for ISS-a new or used van and give the County Judge the authorization to approve the purchase.

All voted aye; motion carried.

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

a. Justice of the Peace, Precinct #1-Equipment Non Capital

Comm. McFall, seconded by Comm. Carpenter, made a motion to approve the Budget Amendment pursuant to the Local Government Code *111.010 C* for Justice of the Peace, Precinct #1 for Equipment Non Capital to purchase a laptop in the amount of \$1,200.00.

All voted aye; motion carried.

b. Newly Acquired Buildings-Utilities

Comm. Matthews, seconded by Comm. McFall, made a motion to approve the Budget Amendment pursuant to the Local Government Code *111.010 C* for Newly Acquired Buildings-Utilities in the amount of \$2,000.00.

All voted aye; motion carried.

c. Sheriff Administration/Patrol-Equipment Capital

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the Budget Amendment pursuant to the Local Government Code *111.010 C* for Sheriff/Administration for Patrol-Equipment Capital to purchase a vehicle in the amount of \$17,000.00.



All voted aye; motion carried.

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

- a. Road Material-DFW Oilfield Services, Inc.-Precinct #2
- b. Road Material-Texas Midstream Gas Services-Precinct #2

Comm. Matthews, seconded by Comm. McFall, made a motion to approve Budget Amendment pursuant to the Local Government Code *Section 111.0106* for road materials from DFW Oilfield Services, Inc. in the amount of \$2,716.75; and Texas Midstream Gas Services in the amount of \$1,500.00; with a total of \$4,216.75 in Precinct #2.

All voted aye; motion carried.

4. CONSIDERATION OF INTERLOCAL AGREEMENT FOR ROAD CONSTRUCTION AND REPAIR AND COMMISSIONER'S COURT APPROVAL OF AGREEMENT WITH THE CITY OF JOSHUA-PRECINCT #2

Comm. Matthews, seconded by Comm. McFall, made a motion to approve the Interlocal Agreement for road construction and repair and Commissioner's Court approval of Agreement with the City of Joshua in Precinct #2.

All voted aye; motion carried.

5. CONSIDERATION OF PROPOSAL FROM AETNA LIFE INSURANCE TO EXTEND THE CURRENT LIFE POLICY PERIOD UNTIL MARCH 1, 2009 AND GUARANTEE THEIR CURRENT RATES FOR ADDITIONAL TWO YEARS FROM MARCH 1, 2009 TO MARCH 1, 2011

Comm. Matthews, seconded by Comm. Carpenter, made a motion to approve the proposal from AETNA Life Insurance to extend the current life policy period until March 1, 2009 and guarantee their current rates for additional two years from March 1, 2009 to March 1, 2011.

All voted aye; motion carried.

6. CONSIDERATION TO TRANSFER PURCHASING VEHICLE TO PUBLIC WORKS

Comm. Carpenter, seconded by Comm. Beeson, made a motion to approve to transfer Purchasing vehicle to Public Works and the County Judge the authorization to sign.

All voted aye; motion carried.

7. CONSIDERATION TO ACCEPT INVENTORY VERIFICATION FOR OUTGOING ELECTED OFFICIALS, PRECINCT #1 AND PRECINCT #3

Comm. Matthews, seconded by Comm. Beeson, made a motion to accept Inventory Verification for outgoing elected officials in Precinct #1 and Precinct #3.

All voted aye; motion carried.

8. CONSIDERATION OF ALLOWING OUTSIDE EXHIBITS TO BE DISPLAYED IN THE JOHNSON COUNTY MUSEUM WHICH THE JOHNSON COUNTY HISTORICAL COMMISSION IS CURATOR

Comm. Carpenter, seconded by Comm. Matthews, made a motion to approve allowing outside exhibits to be displayed in the Johnson County Museum which the Johnson County Historical Commission as Curator.

All voted aye; motion carried.

9. CONSIDERATION TO APPOINT JUDGE ROGER HARMON AS A GROUP REPRESENTATIVE TO THE REGIONAL TRANSPORTATION COUNCIL OF THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS, REPRESENTING JOHNSON COUNTY, HOOD COUNTY, CITIES OF BURLESON, CLEBURNE, KEENE AND GRANBURY UNTIL JUNE 2010 PER THE CHANGES TO THE BYLAWS AND OPERATING PROCEDURES

Comm. McFall, seconded by Comm. Carpenter, made a motion to approve to appoint Judge Roger Harmon as a Group Representative to the Regional Transportation Council of the North Central Texas Council of Governments, Representing Johnson County, Hood County, Cities in Burleson, Cleburne, Keene and Granbury until June 2010 per the changes to the Bylaws and Operating Procedures.

All voted aye; motion carried.

X. CONSENT AGENDA

Comm. McFall, seconded by Comm. Carpenter, made a motion to approve the Consent Agenda.

All voted aye; motion carried.

XI. WORKSHOP

The Commissioner's Court convened into Workshop Session at 11:32 A.M. to discuss Update on the County Radio System.

The Commissioner's Court re-convened into Open Session at 11:42 A.M.

**BE IT KNOWN** that Commissioner's Court met in Executive Session at 11:42 A.M. in accordance with Government Code *Section 551.071*-Consultation with Attorney-Contemplated Litigation.

The Commissioner's Court re-convened into Open Session at 11:57 A.M. to consider the following:

XII. EXECUTIVE SESSION

1. Government Code:
  - a. *Sec. 551.072*-Real Estate

Comm. McFall, seconded by Comm. Carpenter, made a motion to approve a contract for Lot 5A and 6 Block 534 Original Cleburne and to give the County Judge the authorization to sign all closing documents.

All voted aye; motion carried.

b. *Sec. 551.074-Personnel Matters:*

Comm. Matthews, seconded by Comm. McFall, made a motion to approve one (1) bi-lingual supplement to be dedicated to the District Attorney's Office and request the District Attorney's Office get with Personnel to determine which employee will be assigned.

All voted aye; motion carried.

c. *Sec. 551.071-Consultation with Attorney-Contemplated Litigation:*

Comm. Matthews, seconded by Comm. McFall, made a motion to approve to pay a settlement amount of \$427.50 to Dr. John Cobb and a settlement amount of \$268.00 to Jared Archuleta.

All voted aye; motion carried.

There being no further business before the Court concerning this agenda,  
Commissioner's Court adjourned at 12:00 P.M.

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

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