

STATE OF TEXAS

January 26, 2009

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 26th day of January 2009, 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, and following the Invocation led by Pastor Kenneth Coleman, First Baptist Church of Godley and the Pledge of Allegiance, the following items, having been lawfully posted and filed for record in the Office of the County Clerk on January 22, 2009 at 1:00 P.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

1. PRESENTATION OF THE "PRESIDENT'S VOLUNTEER SERVICE AWARD" TO CHAPLAIN DANNY MOON FOR OVER 4000 HOURS OF VOLUNTEER SERVICE

The Commissioner's Court made a presentation of the "President's Volunteer Service Award" to Chaplain Danny Moon for over 4000 hours of volunteer service.

2. PRESENTATION TO JOHNSON COUNTY OF THE TEXAS CONSTRUCTION AWARD OF EXCELLENCE FOR RENOVATION/RESTORATION BY HARRISON WALKER AND HARPER

A presentation was made to Johnson County of the Texas Construction Award of Excellence for Renovation/Restoration by Harrison Walker and Harper.

3. RECOGNITION OF ASHLEE GILBERT, MISS TEEN OF JOHNSON COUNTY

The Commissioner's Court recognized Ashlee Gilbert as Miss Teen of Johnson County.

4. PRESENTATION OF RESOLUTION TO THE ATHENA SOCIETY OF BURLESON

The Commissioner's Court presented a Resolution to the Athena Society of Burleson for the volunteer house they opened in assisting the citizens of Johnson County.

V. PUBLIC PARTICIPATION

Darren Peoples spoke in reference to his concerns regarding recent gang related activity in Johnson County.

VI. PUBLIC HEARINGS:

The Commissioner's Court opened a Public Hearing at 9:45 A.M. to discuss:

1. PUBLIC HEARING TO LEASE COUNTY OWNED LAND FOR MINERAL DEVELOPMENT:

- a. “Request for Proposal 2009-202A to Lease 0.8750 Acres David Clark Survey, Abstract 138, Lot 15, Block 4, Emerald Point Estates located at 271 N. Diamond Lane, Burleson, Texas-Precinct #2”
- b. “Request for Proposal 2009-209A to Lease 3.13 Acres Lot 4, Block 1 of Creekview Addition, a Subdivision of the Joshua Minnett Survey Abstract 548, Johnson County, Texas located at 247 Elk Drive, Burleson, Texas-Precinct #2”
- c. “Request for Bid 2009-218 to Lease 1.04 Acres, more or less, out of the William J. Culverhouse Survey, Abstract 163, being Lot 2, Block 1 of Rolling Acres, being Located at 2901 FM 2280-Precinct #4”

There being no one present to speak, the hearing was closed at 9:47 A.M.

The Commissioner's Court opened a Public Hearing at 9:47 A.M. to discuss:

2. PUBLIC HEARING CONCERNING “NO THRU TRUCKS ON CR 704, 705, 803-N, 803-S, 804, 804-A, 913, 913-A, 913-B, 914, 915, 916, 918, 920-E, 1016, 1020, 1021, 1128 AND 1129 IN PRECINCT #2

There being no one present to speak, the hearing was closed at 9:49 A.M.

VII. PRECEDING BUSINESS

1. CONSIDERATION OF **ORDER #2009-02** CONCERNING “NO THRU TRUCKS ON CR 704, 705, 803-N, 803-S, 804, 804-A, 913, 913-A, 913-B, 914, 915, 916, 918, 920-E, 1016, 1020, 1021, 1128 AND 1129 IN PRECINCT #2

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve **Order #2009-02** concerning “No Thru Trucks on CR 704, 705, 803-N, 803-S, 804, 804-A, 913, 913-A, 913-B, 914, 915, 916, 918, 920-E, 1016, 1020, 1021, 1128 AND 1129 in Precinct #2.

All voted aye; motion carried.

2. CONSIDERATION OF REQUEST TO PAY BILLS

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

All voted aye; motion carried.

5. CONSIDERATION OF FINAL PLAT:

- a. **Anthony Gonzales Addition-Lot 1, Block 1-Precinct #4**

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the final plat of **Anthony Gonzales Addition-Lot 1, Block 1** in Precinct #4.

All voted aye; motion carried.

b. **Jack Butler Estates-Lot 1, Block 1-Precinct #4**

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the final plat of **Jack Butler Estates** –Lot 1, Block 1 in Precinct #4.

All voted aye; motion carried.

6. **CONSIDERATION TO AWARD RFQ'S:**

a. **RFQ #2008-152-Installation and Repairs of General Electric Service for Johnson County**

Comm. Stringer, seconded by Comm. Beeson, made a motion to award **RFQ #2008-152** to Dugger Electric for installation and repair of General Electric Service for Johnson County.

All voted aye; motion carried.

b. **RFQ #2008-152-A-Installation and Repairs for Telephone and Data Line Service for Johnson County**

Comm. Matthews, seconded by Comm. Bailey, made a motion to award **RFQ #2008-152-A** to J & P Installations for installation and repairs for telephone and data line service for Johnson County.

All voted aye; motion carried.

7. **CONSIDERATION OF RENEWAL OF DUAL CHOICE DENTAL PLAN FOR JOHNSON COUNTY**

Comm. Stringer, seconded by Comm. Matthews, made a motion to approve the renewal of Dual Choice Dental Plan for Johnson County.

All voted aye; motion carried.

8. CONSIDERATION TO AWARD RFP'S:

- a. RFP #2009-218-Leasing of County Owned Land for Mineral Development on 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 Mental Retardation Center, also known as Johnson County M.H.M.R., Johnson County, Texas Recorded thereof in Volume 3944, Page 275, Records, Johnson County, Texas and Amendments thereof, Including Streets, Easements and Alley way Adjacent Thereto and any Riparian Rights-(Rolling Acres Section 1, 2901 FM 2280)-Precinct #4

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve **RFP #2009-218**-Leasing of County Owned Land for Mineral Development on 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 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 Alley way Adjacent Thereto and any Riparian Rights-(Rolling Acres Section 1, 2901 FM 2280) in Precinct #4 to XTO Energy with a Royalty of 25% at the well head and a bonus amount of \$1,373.32 with a no drill clause.

All voted aye; motion carried.

- b. **RFP #2009-202A-Leasing of County Owned Land for Mineral Development on .0875 of an Acre, more or less, being Situated in the David Clark Survey, A-138, Johnson County, Texas, known as Lot 15, Block 4, Emerald Estates, an Addition in Johnson County According to the Plat Recorded in Volume 4, Page 34, Plat Records, Johnson County, Texas, and being more Particularly Described in that Certain Warranty Deed Dated February 27, 1989, from Vanden Plaza Partners in Texas Managing Partner Evan R. Evans to Johnson County Mental Health Mental Retardation Center, Recorded in Volume 1406, Page 610, of the Official Public Records of Johnson County Texas. (271 N. Diamond Lane, Burleson, Texas)-Precinct #2**

Comm. Matthews, seconded by Comm. Bailey, made a motion to deny bid.

All voted aye; motion carried.

- c. **RFP #2009-219-Used Mini Type Cargo Van-ISS Department**

Comm. Beeson, seconded by Comm. Matthews, made a motion to approve **RFP #2009-219**-for a Used Mini Type Cargo Van-ISS Department to be awarded to Jeff England Motor Co. in the amount of \$10,525.00.

All voted aye; motion carried.

- d. **RFP #2009-209A-Leasing of County Owned Land for Mineral Development on 3.13 Acres Being Lot 4, Block 1 of the Creekview Addition, a Subdivision of the Joshua Minnett Survey, Abstract No. 548, Johnson County Texas, (249 Elk Drive, Burleson, Texas)-Precinct #2**

Comm. Matthews, seconded by Comm. Bailey, made a motion to deny bid.

All voted aye; motion carried.

9. **NOTIFICATION OF THE KEEFE GROUP BEING SELECTED BY SHERIFF BOB ALFORD TO PROVIDE COMMISSARY SERVICES TO JAIL INMATES**



Margaret Cook gave notification to the Commissioner's Court of the Keefe Group being selected by Sheriff Bob Alford to provide Commissary services to jail inmates.

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

Comm. Beeson, seconded by Comm. Bailey, made a motion to appoint a committee consisting of Margaret Cook, Purchasing Agent; Don Burns, Public Works Director; Commissioner John Matthews, Precinct #2; Roger Harmon, County Judge; Cole Lancaster, ISS Director and Alan Magee of Magee Architects for the remodeling of the Old Band Hall for Justice of the Peace, Precinct #1 Offices.

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 3RD FLOOR AT THE GUINN JUSTICE CENTER

Discussion. No Action.

The Commissioner's Court recessed at 10:18 A.M. and reconvened at 10:37 A.M.

IX. NEW BUSINESS

8. CONSIDERATION OF RESOLUTION TO SUPPORT JOHNSON COUNTY EMERGENCY SERVICE DISTRICT #1 IN REQUESTING TO THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENT FOR ASSISTANCE CREATING A DISPATCH SERVICE FOR COUNTY FIRE DEPARTMENTS

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the Resolution to Support Johnson County Emergency Service District #1 in requesting to the North Central Texas Council of Governments for assistance creating a dispatch service for county fire departments.

Comm. Bailey voted aye.
Comm. Stringer voted aye.
Comm. Beeson voted aye.
Judge Harmon voted aye,
Comm. Matthews abstained.

motion carried.

9. CONSIDERATION TO CREATE NEW POSITION, CLERK II, GRADE 7 FOR THE ADMINISTRATION OFFICE-SHERIFF'S OFFICE

Comm. Matthews, seconded by Comm. Stringer, made a motion to create new position, Clerk II, Grade 7 for the Administration Office at the Sheriff's Office with an annual salary in the amount of \$20,303.00 effective immediately.

All voted aye; motion carried.

X. CONSENT AGENDA

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the Consent Agenda.

All voted aye; motion carried.

VIII. UNFINISHED BUSINESS

4. CONSIDERATION OF CORRECTED RESOLUTION FOR GRANT APPLICATION FOR FAMILY VIOLENCE INVESTIGATOR-2009-2010

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the Corrected Resolution for Grant Application for Family Violence Investigator for 2009-2010.

All voted aye; motion carried.

5. CONSIDERATION OF AGREEMENT FOR LOAN OF ARTWORK AND ARTIFACTS TO JOHNSON COUNTY

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

All voted aye; motion carried.

IX. NEW BUSINESS

5. CONSIDERATION OF ORDER #2009-01 PROHIBITION OF OUTDOOR BURNING

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve Order #2009-01 Prohibition of Outdoor Burning.

All voted aye; motion carried.

BE IT KNOWN that Commissioner's Court met in Executive Session at 11:13 A.M. in accordance with Government Code *Section. 551.072-Real Property; Section 551.071* Consultation with Attorney: (1) Contemplated Litigation; and *Section 551.074-Personnel* Matters: (1) Sheriff's Office-Joyce Byrd; and Justice of the Peace, Precinct #2-Rosalynnda Butler Nix.

The Commissioner's Court re-convened into Open Session at 1:23 P.M. to consider the following:

XI. WORKSHOP

The Commissioner's Court convened into Workshop Session at 1:23 P.M. to discuss Health Insurance for Johnson County Employees; and Ownership of Mountain Valley Lake Property.

The Commissioner's Court re-convened into Open Session at 3:42 P.M. to consider the following:

VIII. UNFINISHED BUSINESS

6. CONSIDERATION TO ACCEPT GRANT AWARD FOR THE INDIGENT DEFENSE SERVICES

Comm. Matthews, seconded by Comm. Beeson, made a motion to accept Grant Award for the Indigent Defense Services 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. Bailey, made a motion to advertise for Bids/Proposals for a land surveyor for Mountain Valley Lake property; **RFP #2009-209B**-Leasing of County Owned Land for Mineral Development on 3.13 Acres Being Lot 4, Block 1 of the Creekview Addition, a Subdivision of the Joshua Minnett Survey, Abstract No. 548, Johnson County Texas, (249 Elk Drive, Burleson, Texas)-Precinct #2; and **RFP** for video equipment for arraignments for the Justice of the Peace Precinct #1 and the District Courts of the Guinn Justice Center.

All voted aye; motion carried.

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

- a. Constable Precinct #3-Equipment Non-Capital
- b. Precinct #3-Operating Reserve
- c. Constable Precinct #4-Equipment Non-Capital
- d. Non-Departmental-Aircheck Texas
- e. Precinct #2-Maintenance of Office Equipment

Comm. Stringer, seconded by Comm. Matthews, made a motion to approve Budget Amendment pursuant to the Local Government Code *Section 111.010 C* for Constable Precinct #3-Equipment Non Capital to purchase 2 DVM 500 digital video cameras in the amount of \$6,100.00; Precinct #3-Operating Reserve in the amount of \$100,000.00; Constable Precinct #4-Equipment Non-Capital for 2 DVM 500 digital video cameras in the amount of \$6,100.00; Non-Departmental-Airchecks in the amount of \$416,104.00; and Precinct #2-maintenance of office equipment in the amount of \$580.00.

All voted aye; motion carried.

3. CONSIDERATION OF APPOINTMENT OF MEMBERS TO THE JOHNSON COUNTY HISTORICAL COMMISSION FOR 2009-2010

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the appointment of members to the Johnson County Historical Commission for 2009-2010 as attached.

All voted aye; motion carried.

4. CONSIDERATION OF AGREEMENT WITH BUSINESS IMAGING SYSTEMS, INC. FOR HARDWARE MAINTENANCE FOR COUNTY CLERK:

- a. Agreement No. 00006339 for Canon DR-5060F, Patch Code Detector and SCSI Card & Cable

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the Agreement with Business Imaging Systems, Inc. for Hardware Maintenance for County Clerk; Agreement No. 00006339 for Canon DR-5060F, Patch Code Detector and SCSI Card and Cable and to give the County Judge the authorization to sign.

All voted aye; motion carried.

- b. Agreement No. 00006353 for Canon DR-5060F with Camera Unit 57X, Memory 128 MB and SCSI Card & Cable

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the Agreement with Business Imaging Systems, Inc. for Hardware Maintenance for County Clerk; Agreement No. 00006353 for Canon DR-5060F with Camera unit 57X, Memory 128 MB and SCSI card and cable and to give the County Judge the authorization to sign.

All voted aye; motion carried.

6. CONSIDERATION OF ADJUSTMENT TO THE COUNTY'S RETIREMENT CONTRIBUTION RATE TO TCDRS FOR FISCAL YEAR 2008-2009

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve adjustment to the County's Retirement Contribution Rate from 7.49% to 8.11% to TCDRS for Fiscal Year 2008-2009.

All voted aye; motion carried.

7. CONSIDERATION TO RE-APPOINT GLEN RUIS TO THE EMERGENCY SERVICE DISTRICT-PRECINCT #2

Comm. Matthews, seconded by Comm. Beeson, made a motion to re-appoint Glen Reue to the Emergency Service District in Precinct #2.

All voted aye; motion carried.

XII. EXECUTIVE SESSION

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

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the contract and give the County Judge authorization to execute any contracts and sign all closing documents on Lot 2 Block 534 Original Cleburne.

All voted aye; motion carried.

b. *Sec. 551.071-Consultation with Attorney:*

(1) Contemplated Litigation

Comm. Beeson, seconded by Comm. Matthews, made a motion to reject the settlement offer on Account #126-5534-01142.

All voted aye; motion carried.

c. *Sec. 551.074-Personnel Matters:*

(1) Sheriff's Office-Joyce Boyd

Comm. Matthews, seconded by Comm. Bailey, made a motion approve to move Joyce Boyd from a part time position to full time Clerk II Grade 7 effective February 1, 2009 with a salary of \$20,303.00.

All voted aye; motion carried.

(2) Justice of the Peace, Precinct #2-Rosalynnda Butler-Nix

Comm. Matthews, seconded by Comm. Beeson, made a motion to pay Rosalynda Butler-Nix overtime pay in the amount of \$93.66.

All voted aye; motion carried.

The Commissioner's Court recessed at 4:01 P.M. and reconvened at 4:17 P.M. to consider the following:

VIII. UNFINISHED BUSINESS

7. CONSIDERATION TO RENEW HEALTH INSURANCE WITH UNITED HEALTH CARE

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve to renew Health Insurance with United Health Care with a renewal increase of 13.4% above the current rate and change in coverage to include an increase of Doctor's Office co-pay from \$20.00 to \$35.00, a reduction in Specialist co-pay from \$40.00 to \$35.00; Emergency Room co-pay increase from \$100.00 to \$300.00; Out of Pocket expense-Employee only at \$4,000.00, Employee and Spouse and Employee and Family at \$8,000.00, and a prescription cop-pay of 10/35/70 along with Option #7 and Option #9 of the HSA Plan.

All voted aye; motion carried.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 4:49 P.M.

Submitted by: _____
County Clerk
Curtis H. Douglas

Approved by: _____
County Judge
Roger Harmon