

STATE OF TEXAS

March 23, 2009

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 23<sup>rd</sup> day of March 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 9:00 A.M., with all members present, and following the Invocation led by Pastor Paul Pinyan, First Baptist Church of Rio Vista and the Pledge of Allegiance, the following items, having been lawfully posted and filed for record in the Office of the County Clerk on March 19, 2009 at 11:52 A.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

1. ANNOUNCEMENT: HOLY WEEK SERVICES WILL BE HELD ON APRIL 6-APRIL 10, 2009 FROM 7:00 A.M. TO 8:00 A.M. AT THE FIRST BAPTIST CHURCH, CLEBURNE. REFRESHMENTS WILL BE SERVED AT 6:30 AM

Judge Harmon announced that Holy Week Services will be held on April 6-April 10, 2009 from 7:00 A.M. to 8:00 A.M. at the First Baptist Church, Cleburne and that refreshments will be served at 6:30 A.M.

Judge Harmon welcomed the new Personnel Director, Randal Gillespie.

2. PROCLAMATION FOR NATIONAL PUBLIC HEALTH WEEK APRIL 6-12, 2009

The Commissioner's Court proclaimed April 6-12, 2009 as National Public Health Week.

3. PROCLAMATION FOR WOUNDED WARRIORS RECOGNITION & WELCOME

The Commissioner's Court proclaimed April 3 and 4, 2009 as Wounded Warriors Recognition and Welcome.

4. PRESENTATION OF CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING TO JOHNSON COUNTY FOR ITS COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED, SEPTEMBER 30, 2007

The Commissioner's Court presented J.R. Kirkpatrick, County Auditor with a Certificate of Achievement for Excellence in Financial Reporting to Johnson County for its Comprehensive Annual Financial Report for the fiscal year ended, September 30, 2007.

V. PUBLIC HEARING

The Commissioner's Court opened a Public Hearing at 9:17 A.M. to discuss:

1. "DECREASING THE SPEED LIMIT ON BRYAN STREET IN ELMWOOD ESTATES IN JOHNSON COUNTY, PRECINCT #3 FROM 30 MPH TO 20 MPH"

Commissioner Jerry Stringer spoke in support of decreasing the speed limit on Bryan Street in Elmwood Estates in Johnson County, Precinct #3 from 30 MPH to 20 MPH. The hearing was closed at 9:20 A.M.

VI. PUBLIC PARTICIPATION

Jack Carlton spoke in support of refurbishing the Market Square and the building of public restrooms.

VII. PRECEDING BUSINESS

1. CONSIDERATION OF ORDER #2009-03-DECREASING THE SPEED LIMIT ON BRYAN STREET IN ELMWOOD ESTATES IN JOHNSON COUNTY, PRECINCT #3 FROM 30 MPH TO 20 MPH

Comm. Stringer, seconded by Comm. Matthews, made a motion to approve **Order #2009-03** Decreasing the Speed Limit on Bryan Street in Elmwood Estates in Johnson County, Precinct #3 from 30 MPH to 20 MPH.

All voted aye; motion carried.

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

- a. February 9, 2009-Regular Session
- b. February 16, 2009-Special Session
- c. March 2, 2009-Special Session

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Minutes of the Commissioner's Court for February 9, 2009, February 16, 2009 and March 2, 2009 as submitted by the County Clerk.

All voted aye; motion carried.

3. CONSIDERATION OF REQUEST TO PAY BILLS

Comm. Matthews, seconded by Comm. Bailey, made a motion to pay bills as presented by the County Auditor with the addition of the balance of JP Morgan card in the amount of \$3,000.00.

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

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.

ADDENDUM:

12. CONSIDERATION OF OWNER AGENT DESIGNATION WITH THE TEXAS DEPARTMENT OF LICENSING AND REGULATION

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Owner Agent Designation with the Texas Department of Licensing and Regulation.

All voted aye; motion carried.

VII. PRECEDING BUSINESS

6. CONSIDERATION OF FINAL PLAT OF ALLEN PARKS ACRES, LOT 1, BLOCK 1-PRECINCT #4

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve the final plat of **Allen Parks Acres**, Lot 1, Block 1 in Precinct #4.

All voted aye; motion carried.

7. CONSIDERATION TO AWARD RFP'S:

a. **RFP #2009-201-Auctioneer Service for the Sheriff's Auction**

Discussion. No Action.

b. **RFP #2009-202-B-Mineral Lease of David Clark Survey, A-138, Lot 5, Block 4, Emerald Estates (271 N. Diamond Lane)-Precinct #2**

Discussion. No Action.

c. **RFP #2009-209-B-Mineral Lease Creekview Addition, (247 Elk Drive, Burleson, Texas)-Precinct #2**

Discussion. No Action.

d. **RFP #2009-210-A Doty House Foundation Repair**

Comm. Matthews, seconded by Comm. Bailey, made a motion to deny **RFP #2009-210-A** for foundation repair for the Doty house.

All voted aye; motion carried.

e. **RFP #2009-211-A-Doty House Roof Replacement**

Comm. Matthews, seconded by Comm. Bailey, made a motion to deny **RFP #2009-211-A** for roof replacement for the Doty house.

All voted aye; motion carried.

f. **RFP #2009-213-Preservation of Historical Records-District Clerk's Office** 

Comm. Beeson, seconded by Comm. Stringer, made a motion to award **RFP #2009-213** to Louisiana Binding for Preservation of Historical Records for the District Clerk's Office for 73 books at \$1,600.23 per book with \$60,000.00 to be paid from the Records Archive Fund #046 and the remainder to be paid from County Record Management Fund #022 for a total of \$116,816.79.

All voted aye; motion carried.

8. CONSIDERATION TO AWARD RFQ #2009-224-Land Surveying Services on an “As Needed Basis”



Comm. Matthews, seconded by Comm. Bailey, made a motion to award **RFQ #2009-224** to Dumas Land Surveying for Land Surveying Services on an “As Needed Basis”.

All voted aye; motion carried.

9. CONSIDERATION TO DECLARE SURPLUS COMPUTER ITEMS UNDER LOCAL GOVERNMENT CODE SEC. 263.152 (1) AND PLACE ON RENE BATES AUCTION

Comm. Stringer, seconded by Comm. Bailey, made a motion to declare surplus computer items under Local Government Code *Sec. 263.152 (1)* and place on Rene Bates Auction.

All voted aye; motion carried.

#### VIII. UNFINISHED BUSINESS

4. CONSIDERATION OF RACIAL PROFILING STATISTICS-CONSTABLE PRECINCT #3

Comm. Stringer, seconded by Comm. Beeson, made a motion to accept the Racial Profiling Statistics for Constable Precinct #3.

All voted aye; motion carried.

5. CONSIDERATION OF CONTRACT WITH LEXISNEXIS FOR ACCURINT-JUSTICE OF THE PEACE, PRECINCT #2

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Contract with LexisNexis for Accurint for Justice of the Peace, Precinct #2.

All voted aye; motion carried.

6. CONSIDERATION OF RESOLUTION FOR THE APPLICATION OF THE MENTAL HEALTH PEACE OFFICER GRANT-SHERIFF'S OFFICE

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve the Resolution for the Application of the Mental Health Peace Officer Grant with the Sheriff's Office.

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

Motion carried.

7. CONSIDERATION OF RESOLUTION FOR THE APPLICATION OF THE SCHOOL RESOURCE OFFICER, KEENE INDEPENDENT SCHOOL DISTRICT-SHERIFF'S OFFICE

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the Resolution for the Application of the School Resource Officer, Keene Independent School District with the Sheriff's Office.

All voted aye; motion carried.

9. CONSIDERATION TO REPLACE TAMMY RIFFENBURG, EARLY VOTING CLERK, IN THE RIO VISTA LOCAL OPTION ELECTION WITH VIRGINIA GUY AS EARLY VOTING CLERK AND DANIEL NICHOLS AS ELECTION DAY CLERK

Comm. Bailey, seconded by Comm. Matthews, made a motion to replace Tammy Riffenburg, Early Voting Clerk, in the Rio Vista Local Option Election with Virginia Guy as Early Voting Clerk and Daniel Nichols as Election Day Clerk.

All voted aye; motion carried.

10. CONSIDERATION TO REPLACE DEANN LINTON AS ELECTION DAY JUDGE IN THE RIO VISTA LOCAL OPTION ELECTION WITH TONY LINTON AS ELECTION DAY JUDGE

Comm. Bailey, seconded by Comm. Matthews, made a motion to replace DeAnn Linton as Election Day Judge in the Rio Vista Local Option Election with Tony Linton as Election Day Judge.

All voted aye; motion carried.

11. CONSIDERATION OF LEASE AGREEMENTS FOR AUTO-MARK WITH:

- a. Venus Independent School District
- b. Town of Cross Timber
- c. City of Briaroaks
- d. City of Rio Vista

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Lease Agreements with Venus Independent School District, Town of Cross Timber, City of Briaroaks and City of Rio Vista for Auto-Mark Election Voting Machines.

All voted aye; motion carried.

IX. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Stringer, seconded by Comm. Beeson, made a motion to purchase a bed and chassis from the HGAC Interlocal Agreement in the amount of \$24,715.68 for Precinct #4; re-advertise for Auctioneer; and CSCD-sale of surplus computers on Rene Bates Auction.

All voted aye; motion carried.

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

- a. Road & Bridge, Precinct #4 EOG Resources, Inc.
- b. Road & Bridge, Precinct #2-City of Joshua & EOG Resources, Inc.

Comm. Beeson, seconded by Comm. Matthews, made a motion to approve Budget Amendment pursuant to the Local Government Code *Section 111.0106* for Road & Bridge, Precinct #4 from EOG Resources, Inc. in the amount of \$20,686.00; and for Road & Bridge, Precinct #2 from the City of Joshua in the amount of \$29,913.00; and EOG Resources, Inc. in the amount of \$25,500.00.

All voted aye; motion carried.

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

- a. Jail-Equipment Capital (Hot Water Boiler)
- b. Non-Departmental-Courthouse Restoration
- c. Justice of the Peace, Precinct #4-Equipment Non-Capital
- d. Pecan Valley MHMR-Building Repair & Maintenance
- e. General District Court Expense-Equipment Non-Capital
- f. Public Work/Building Maintenance-Exterminating Services and Utilities-226 Featherstone
- g. Public Work/Building Maintenance-Exterminating Service and Utilities-210 Featherstone

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve Budget Amendment pursuant to the Local Government Code *Section 111.010 C* for Jail-Equipment Capital for hot water boiler in the amount of \$69,500.00; Non-Departmental-Courthouse Restoration-reclass of money transferred to Fund 072 Courthouse Restoration in the amount of \$612,581.00 and transfer of balance of funds for the Indigent Defense Grant to create Fund 939 in the amount of \$2,783.00; Justice of the Peace, Precinct #4-Equipment Non-Capital in the amount of \$124.00; Pecan Valley MHMR-Building Repair & Maintenance in the amount of \$5,000.00; General District Court Expense-Equipment-Non-Capital in amount of \$60.00; Public Work/Building Maintenance-Exterminating Services in the amount of \$500.00 and Utilities in the amount of \$200.00 for 226 Featherstone; and Public Work/Building Maintenance-Exterminating Services in the amount of \$500.00 and Utilities in the amount of \$700.00 for 210 Featherstone.

All voted aye; motion carried.

The Commissioner's Court recessed at 10:01 A.M. and reconvened at 10:16 A.M. to consider the following:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

5. PRESENTATION CONCERNING THE UNITED STATES CENSUS 2010

Mike Boren with the United States Census Bureau gave a presentation concerning the United States Census 2010.

XI. WORKSHOP

The Commissioner's Court convened into Workshop Session at 10:49 A.M. to discuss Review of the Management Services Contract between Johnson County, Texas and Community Education Centers, Inc. and Maintenance Items Needed at the Jail-Sheriff's Office.

The Commissioner's Court re-convened into Open Session at 11:06 A.M. to consider the following:

IX. NEW BUSINESS

4. CONSIDERATION OF LANDOWNERS ADJOINING CR 616 TO ERECT GATES ACROSS CR 616 AT THE INTERSECTIONS WITH CR 501 AND CR 506 PURSUANT TO THE TEXAS TRANSPORTATION CODE, CHAPTER 251.010- PRECINCT #3

Comm. Stringer, seconded by Comm. Matthews, made a motion to approve the landowners adjoining CR 616 to erect gates across CR 616 at the intersections with CR 501 and CR 506 pursuant to the Texas Transportation Code, *Chapter 251.010* in Precinct #3.

All voted aye; motion carried.

5. CONSIDERATION TO APPLY FOR RECOVERY ACT EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM

Comm. Matthews, seconded by Comm. Beeson, made a motion to apply for Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program.

All voted aye; motion carried.

6. CONSIDERATION TO APPLY FOR COPS FAST GRANT

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve to apply for COPS Fast Grant for four (4) positions.

Comm. Bailey voted aye.  
Comm. Matthews voted aye.  
Comm. Stringer voted aye.  
Comm. Beeson voted aye.  
Judge Harmon voted nay.

Motion carried.

7. CONSIDERATION TO PURCHASE A COMMERCIAL GRADE SHREDDER AND PRINT CARTRIDGE TO BE SHARED WITH THE CONSTABLE'S PRECINCT #3 OFFICE-HALF OF WHICH WOULD BE PAID BY THE TECH FUND FOR JUSTICE OF THE PEACE, PRECINCT #3

Comm. Stringer, seconded by Comm. Matthews, made a motion to approve to purchase a commercial grade shredder to be shared with the Constable's Precinct #3 office and Justice of the Peace, Precinct #3 which will be paid from the Equipment Fund #75 in the amount of \$1,354.70; and to purchase five (5) print cartridges from the Tech Fund in the amount of \$148.75 for Justice of the Peace, Precinct #3.

All voted aye; motion carried.

8. CONSIDERATION TO ADD SECOND TRASH DUMPSTER-PRECINCT #4

Comm. Beeson, seconded by Comm. Matthews, made a motion to approve to add a second trash dumpster in Precinct #4.

All voted aye; motion carried.

9. CONSIDERATION TO UPDATE FIRST FINANCIAL BANK POSITIVE PAY SERVICE AGREEMENT

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve to update First Financial Bank Positive Pay Service Agreement and to give the County Judge the authorization to sign.

All voted aye; motion carried.

10. CONSIDERATION TO APPROVE NEW CREDIT CARD CONTRACT WITH FIRST FINANCIAL BANK-COUNTY CLERK

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

All voted aye; motion carried.

11. CONSIDERATION OF INTERLOCAL AGREEMENT FOR ROAD REPAIRS AND COMMISSIONER'S COURT APPROVAL OF INTERLOCAL AGREEMENT WITH THE CITY OF GRANDVIEW-PRECINCT #4 (LOUISIANA ST. FROM HIGHWAY 4)

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve the Interlocal Agreement for road repairs and Commissioner's Court approval of Interlocal Agreement with the City of Grandview in Precinct #4 for Louisiana St. from Highway 4.

All voted aye; motion carried.

12. CONSIDERATION OF INTERLOCAL AGREEMENT FOR ROAD REPAIRS AND COMMISSIONER'S COURT APPROVAL OF INTERLOCAL AGREEMENT WITH THE CITY OF GRANDVIEW-PRECINCT #4 (EAST MAIN STREET)

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the Interlocal Agreement for road repairs and Commissioner's Court approval of Interlocal Agreement with the City of Grandview in Precinct #4 for East Main Street.

All voted aye; motion carried.

13. CONSIDERATION OF NETDATA TO PLACE WARRANTS INTO OMNI AND SEND OUT PRE-WARRANT CARD-JUSTICE OF THE PEACE, PRECINCT #1

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

All voted aye; motion carried.

10. CONSIDERATION TO APPROVE NEW CREDIT CARD CONTRACT WITH FIRST FINANCIAL BANK-COUNTY CLERK

Comm. Matthews, seconded by Comm. Beeson, made an amended motion to approve a new credit card contract with First Financial Bank for the County Clerk and to give the County Judge the authorization to sign.

All voted aye; motion carried.

The Commissioner's Court recessed at 11:53 A.M. and reconvened at 1:18 P.M. to consider the following:

14. CONSIDERATION TO APPOINT TELEPHONE LIAISON FOR JOHNSON COUNTY

Discussion. No Action.

15. CONSIDERATION OF ADDENDUM TO INTERLOCAL AGREEMENT WITH NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS TO UPDATE THE REQUIREMENTS FOR GIS & DATABASE MAINTENANCE

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve the Addendum to Interlocal Agreement with North Central Texas Council of Governments to update the Requirements for GIS & Database Maintenance and to give the County Judge the authorization to sign.

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.

XI. WORKSHOP

The Commissioner's Court convened into Workshop Session at 1:31 P.M. to discuss Increasing Charges for Hauling and Equipment Related to Interlocal Agreements with Other Entities; Refurbishing of Market Square and Building of Public Restrooms; and Update on All Telephone Numbers for Johnson County.

The Commissioner's Court recessed at 3:07 P.M. and reconvened at 3:18 P.M. to consider the following Workshop items:

Hamm Creek Park: Hiring Personnel and Responsibilities; Activities and Functions at Park; and Building of Storage Facility for Equipment; Cell Phone Policy and Take Home Vehicles Policy; and Sign Materials with the 3M Grant Program.

The Commissioner's Court re-convened into Open Session at 4:25 P.M. to consider the following:

**BE IT KNOWN** that Commissioner's Court met in Executive Session at 4:25 P.M. in accordance with Government Code *Sec. 551.072-Real Property*; *Sec. 551.074-Personnel: Shelby Wylie, Precinct #4*; and *Sec. 551.071-Counseling with Attorney-Contemplated Litigation*.

The Commissioner's Court re-convened into Open Session at 5:07 P.M. to consider the following:

**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 to purchase Lots 2A and 3 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: Shelby Wylie, Precinct #4*

Comm. Beeson, seconded by Comm. Stringer, made a motion to accept a check from Shelby Wylie, Precinct #4 in the amount of 1,323.38 to pay back eight (8) months for part time service.

All voted aye; motion carried.

c. *Sec. 551.071-Counseling with Attorney-Contemplated Litigation*

Comm. Beeson, seconded by Comm. Matthews, made a motion to give the County Attorney authorization to respond to the settlement letter.

All voted aye; motion carried.

**VIII. UNFINISHED BUSINESS**

8. CONSIDERATION OF INCREASING CHARGES FOR HAULING AND EQUIPMENT RELATED TO INTERLOCAL AGREEMENT WITH OTHER ENTITIES

Comm. Bailey, seconded by Comm. Matthews, made a motion to increasing the charges for hauling and equipment related to Interlocal Agreement with other entities to 15 percent, with a 4 hour minimum, and .30 cents per mile beginning June 1, 2009.

All voted aye; motion carried.

IX. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Bailey, seconded by Comm. Matthews, made a motion to advertise for Bids/Proposals for demolition of the Red Metal Building north of the Guinn Justice Center.

All voted aye; motion carried.

14. CONSIDERATION TO APPOINT TELEPHONE LIAISON FOR JOHNSON COUNTY

Comm. Beeson, seconded by Comm. Bailey, made a motion to appoint Connie Jansky as telephone liaison for Johnson County.

All voted aye; motion carried.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 5:14 P.M.

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

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