

STATE OF TEXAS

May 26, 2009

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 26th day of May 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 Rick Owen. Pastor of St. Matthews Cumberland Church, Burleson, Texas and the Pledge of Allegiance, the following items, having been lawfully posted and filed for record in the Office of the County Clerk on May 22, 2009 at 8:30 A.M., were considered:

V. PUBLIC PARTICIPATION

Barbara Robinson spoke in reference to the Johnson County Government Cares Team for Relay for Life in support of the American Cancer Society.

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

1. PRESENTATION BY CANDYCE BASHAM, ADOLESCENT/ADULT IMMUNIZATION COORDINATOR FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES

A Presentation was given by Candyce Basham, Adolescent/Adult Immunization Coordinator from the Texas Department of State Health Services.

VI. PRECEDING BUSINESS

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

- a. April 13, 2009-Regular Session
- b. May 18, 2009-Special Session

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Commissioner's Court Minutes for April 13, 2009 and May 18, 2009 as submitted by the County Clerk.

All voted aye; motion carried.

2. CONSIDERATION OF REQUEST TO PAY BILLS

Comm. Matthews, seconded by Comm. Stringer, 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 CASH BALANCE REPORT FOR MAY 2009

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve the Treasurer's Cash Balance Report for May 2009 as presented by the County Treasurer.

All voted aye; motion carried.

5. CONSIDERATION OF CONTRACT (RFB #2009-218) FOR MINERAL LEASE OF 1.04 ACRES IN THE WILLIAM J. CULVERSON SURVEY, ABSTRACT NO. 163, LOT 2, BLOCK 1, ROLLING ACRES (2901 FM 2280)-PRECINCT #4

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the Contract (**RFB #2009-218**) for mineral lease of 1.04 acres in the William J. Culverson Survey, Abstract No. 163, Lot 2, Block 1, Rolling Acres (2901 FM 2280) in Precinct #4 and to give the County Judge the authorization to sign any necessary documents.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

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

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. Bailey, seconded by Comm. Beeson, made a motion to approve the Asbestos Abatement proposal for the Old Band Hall for Justice of Peace, Precinct #1 offices with Resource Environmental Consulting for air monitoring, the final report and making sure the Asbestos Abatement specification are followed, in the amount of \$3,050.00; the Andrew Joseph Company Inc. for all of the Asbestos Abatement excluding the flooring in the amount of \$9,325.00; the floor removal in the amount of \$4,500.00 and the bill to the State of Texas in the amount of \$900.00.

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.

6. CONSIDERATION OF PROPOSAL FROM ERIK DUMAS FOR A SURVEY OF MOUNTAIN VALLEY LAKE

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Proposal from Erik Dumas for a survey of Mountain Valley Lake with an estimated amount of \$7,500.00.

All voted aye; motion carried.

7. CONSIDERATION TO WAIVE DEVELOPMENT FEES AND SEPTIC PERMIT FEES FOR PROPERTY OWNERS IN MOUNTAIN VIEW ESTATES DUE TO CLOSING OF SAN JACINTO UTILITY, INC. WASTE WATER TREATMENT PLANT-PRECINCT #3

Comm. Stringer, seconded by Comm. Matthews, made a motion to waive development fees and septic permit fees for property owners in Mountain View Estates due to the closing of San Jacinto Utility, Inc. Waste Water Treatment Plant in Precinct #3.

All voted aye; motion carried.

8. CONSIDERATION OF SHARED CELLULAR EQUIPMENT TO ADD ALLOWANCE:

a. Juvenile Probation-One Phone

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the shared cellular equipment allowance for one phone for Juvenile Probation.

All voted aye; motion carried.

9. CONSIDERATION OF NEW CELLULAR EQUIPMENT:

a. Randy Gillespie, Personnel Director

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve new cellular equipment for Randy Gillespie, Personnel Director in the amount of \$40.00 per month.

All voted aye; motion carried.

10. CONSIDERATION OF VPN ACCESS FOR COUNTY LAPTOP-PERSONNEL OFFICE

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve VPN access for the County laptop for the Personnel Office.

All voted aye; motion carried.

VIII. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve the purchase of a tractor with a rotary cutter for Precinct #4 from Buy Board in the approximate amount of \$32,000.00.

All voted aye; motion carried.

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

- a. Road Material-Road & Bridge, Precinct #1
- b. Road Material-Road & Bridge, Precinct #2

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve Budget Amendment pursuant to the Local Government Code *Section 111.0106* for road materials-Road & Bridge in Precinct #1 from Devon Energy in the amount of \$58,342.00 and road materials-Road & Bridge in Precinct #2 from N. Rock Solutions in the amount of \$1,950.00.

All voted aye; motion carried.

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

- a. 413th District Court, Jury Fund-413th District Court Juries
- b. Justice of the Peace & Guinn Renovation Projects-to Transfer From
- c. Mineral Revenue Fund-Transfer to
- d. Justice of the Peace, Precinct #3, Technology Fund-Postage Meter Rental/Postage
- e. Justice of the Peace, Precinct #1, Technology Fund-Equipment Non-Capital
- f. Justice of the Peace & Guinn Renovation Projects, Guinn 3rd Floor Renovation-Fees/Services and Building Construction
- g. Justice of the Peace & Guinn Renovation Projects, Justice of the Peace Renovation-Fees/Services and Building Construction
- h. Auditor-Personnel Salaries

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve Budget Amendment pursuant to the Local Government Code *Section 111.010 C* for 413th District Court, Jury Fund-413th District Court Juries in the amount of \$10,000.00; Justice of the Peace & Guinn Renovation Projects-to transfer from Mineral Revenue Reserve Fund to fund construction project in the amount of \$1,100,000.00; Mineral Revenue Fund-Transfer to Justice of the Peace Precinct #1 and Guinn Renovation Projects Fund 074 to fund construction project in the amount of \$1,100,000.00; Justice of the Peace, Precinct #3, Technology Fund-Postage Meter Rental/Postage in the amount \$284.00; Justice of the Peace, Precinct #1, Technology Fund-Equipment Non-Capital to purchase a laptop in the amount of \$1,194.00; Justice of the Peace, Precinct #1, and Guinn Renovation Projects, 3rd Floor Renovation Fees/Services and Building Construction Budget for 3rd Floor Renovation Project Fees & Services in the amount of \$64,594.00 and Building Construction in the amount of \$547,414.00; Justice of the Peace, Precinct #1, and Guinn Renovation Projects, Justice of the Peace Precinct #1 Renovation-Fees/Services and Building Construction Budget for Justice of the Peace, Precinct #1 Building Project Fees & Services in the amount of \$56,534.00 and Building Construction in the amount of \$431,458.00; and to exclude item h. Auditor-Personnel-Salaries.

All voted aye; motion carried.

4. CONSIDERATION OF JOHNSON COUNTY JURY SELECTION PLAN AND ORDER #2009-09

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve the Johnson County Jury Selection Plan and **Order #2009-09**.

All voted aye; motion carried.

5. CONSIDERATION TO RENEW AT&T PLEXAR SERVICES CONTRACT

Comm. Beeson, seconded by Comm. Bailey, made a motion to renew AT&T Plexar Services contract and to give the County Judge the authorization to sign the contract.

All voted aye; motion carried.

6. CONSIDERATION TO APPLY FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE FORMULA GRANT PROGRAM-SHERIFF'S OFFICE

Comm. Stringer, seconded by Comm. Beeson, made a motion to apply for Edward Byrne Memorial Justice Assistance Formula Grant Program for the Sheriff's Office.

All voted aye; motion carried.

7. CONSIDERATION TO APPLY FOR THE DEPARTMENT OF JUSTICE 2009 CONGRESSIONAL APPROPRIATIONS ACT (STOP THE OFFENDERS PROGRAM)

Comm. Stringer, seconded by Comm. Bailey, made a motion to approve to apply for the Department of Justice 2009 Congressional Appropriations Act (Stop the Offenders Program).

All voted aye; motion carried.

8. CONSIDERATION OF THE SAVNS MAINTENANCE GRANT CONTRACT BETWEEN THE OFFICE OF THE ATTORNEY GENERAL AND JOHNSON COUNTY FOR THE STATE FISCAL YEAR 2010 (OAG CONTRACT NO. 1012434)-SHERIFF'S OFFICE

Comm. Beeson, seconded by Comm. Matthews, made a motion to approve the SAVNS Maintenance Grant Contract between the Office of the Attorney General and Johnson County for the State Fiscal Year 2010 (OAG Contract No. 1012434) and the Sheriff's Office and to give the County Judge the authorization to sign.

All voted aye; motion carried.

6. CONSIDERATION TO APPLY FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE FORMULA GRANT PROGRAM-SHERIFF'S OFFICE

Comm. Stringer, seconded by Comm. Beeson, made an amended motion to apply for Edward Byrne Memorial Justice Assistance Formula Grant Program for the Sheriff's Office and to give the County Judge the authorization to sign.

All voted aye; motion carried.

9. CONSIDERATION OF THE APPRISS EXHIBIT R-06 MAINTENANCE RENEWAL FOR THE AUTOMATED VICTIM NOTIFICATION SERVICES FOR JOHNSON COUNTY AND THE R-06 SERVICE AGREEMENT-SHERIFF'S OFFICE

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the APPRISS Exhibit R-06 Maintenance Renewal for the Automated Victim Notification Services for Johnson County and the R-06 Service Agreement with the Sheriff's Office and to give the County Judge the authorization to sign.

All voted aye; motion carried.

10. CONSIDERATION TO USE TECHNOLOGY FUND FOR SOFTWARE UPDATE FOR POSTAL SCALE FROM ALTERNATIVE MAILING-JUSTICE OF THE PEACE, PRECINCT #3

Comm. Stringer, seconded by Comm. Bailey, made a motion to approve to use Technology Fund for software update for postal scale from Alternative Mailing for Justice of the Peace, Precinct #3.

All voted aye; motion carried.

11. CONSIDERATION OF JURISDICTIONAL MEMORANDUM OF UNDERSTANDING BETWEEN MANSFIELD INDEPENDENT SCHOOL DISTRICT POLICE DEPARTMENT-SHERIFF'S OFFICE

Comm. Bailey, seconded by Comm. Matthews, made a motion to approve the Jurisdictional Memorandum of Understanding between Mansfield Independent School District Police Department with the Sheriff's Office with the omission of paragraph #7 in its entirety and to give the County Judge the authorization to sign.

All voted aye; motion carried.

The Commissioner's Court recessed at 10:31 A.M. and reconvened at 10:53 A.M. to consider the following:

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Beeson, seconded by Comm. Bailey, made an amended motion to approve the purchase of a tractor with a rotary cutter for Precinct #4 from Buy Board in the approximate amount of \$32,000.00; and the emergency purchase to replace the CISCO PIX firewall compliance for the ISS Department in the amount of \$13,429.00.

All voted aye; motion carried.

VI. PRECEDING BUSINESS

2. CONSIDERATION OF REQUEST TO PAY BILLS

Comm. Matthews, seconded by Comm. Stringer, made an amended motion to pay bills as presented by the County Auditor and to include the bill from Community Education Centers, Inc. (CEC) in the amount of \$719,631.41 for the month of April, 2009.

All voted aye; motion carried.

VIII. NEW BUSINESS

12. CONSIDERATION TO RELEASE RESERVED COMMISSIONER'S PARKING SPACES AT GUINN JUSTICE CENTER

Comm. Bailey, seconded by Comm. Stringer, made a motion to release the reserved Commissioner's parking spaces at the Guinn Justice Center.

All voted aye; motion carried.

13. CONSIDERATION OF THE CREATION OF A FULL-TIME POSITION TO ACCOMMODATE THE MOVE OF THE PART-TIME EMPLOYEE INTO THE FULL-TIME POSITION, GRADE 10, SALARY \$19,698.00, ACCOUNTING ASSISTANT-AUDITORS OFFICE

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

All voted aye; motion carried.

14. CONSIDERATION OF RESOLUTION AUTHORIZING NEIGHBORHOOD STABILIZATION PROGRAM APPLICATION

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve the Resolution Authorizing Neighborhood Stabilization Program Application.

All voted aye; motion carried.

IX. CONSENT AGENDA

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the Consent Agenda with the exception of item #3-o. County Auditor-Personnel Salaries, Unemployment, Medicare and Retirement.

All voted aye; motion carried.

X. WORKSHOP

The Commissioner's Court convened into Workshop Session at 11:04 A.M. to discuss Hamm Creek Park and the Market Square.

The Commissioner's Court re-convened into Open Session at 11:51 A.M.

BE IT KNOWN that Commissioner's Court met in Executive Session at 11:51 A.M. in accordance with Government Code *Section. 551.072*-Real Property; and *Section 551.071*- Consultation with Attorney, Pending Litigation: Pamela D. West, Contestant vs. Roger Harmon, County Judge, Contestee-Cause #C200900263, 249th District Court.

The Commissioner's Court re-convened into Open Session at 12:04 P.M. to consider the following:

XI. EXECUTIVE SESSION

1. Government Code:

a. *Sec. 551.072*-Real Property

No. Action.

b. *Sec. 551.071*- Consultation with Attorney, Pending Litigation: Pamela D. West, Contestant vs. Roger Harmon, County Judge, Contestee-Cause #C200900263, 249th District Court.

Comm. Matthews, seconded by Comm. Bailey, made a motion to authorize Bill Moore, County Attorney to represent Judge Harmon, County Judge in the Pending Litigation: Pamela D. West, Contestant vs. Roger Harmon, County Judge, Contestee-Cause #C200900263, 249th District Court.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

5. CONSIDERATION OF RECURRING ITEMS CONCERNING HAMM CREEK PARK

a. Advertise for Park Manager

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve to advertise for a Park Manager as a recurring item concerning Hamm Creek Park with an annual salary amount not to exceed \$45,000.00.

All voted aye; motion carried.

ADDENDUM:

VIII. NEW BUSINESS

1. CONSIDERATION OF APPLICATION FOR HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve Roger Harmon, County Judge to sign the Application for Homeless Prevention and Rapid Re-Housing Program.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

4. CONSIDERATION OF RECURRING ITEMS CONCERNING MARKET SQUARE

No. Action.

There being no further business before the Court concerning this agenda, Commissioner's
Court adjourned at 12:07 P.M.

Submitted by: _____
County Clerk
Curtis H. Douglas

Approved by: _____
County Judge
Roger Harmon