

STATE OF TEXAS

October 12, 2009

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 12<sup>th</sup> day of October 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 9:04 A.M., with all members present, and following the Invocation led by Dexter Baldwin, Chairman of the East Cleburne Community Center, 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 8, 2009 at 1:10 P.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

1. PRESENTATION OF LENGTH OF SERVICE AWARDS TO JOHNSON COUNTY EMPLOYEES

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. PROCLAMATION FOR NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH IN JOHNSON COUNTY

The Commissioner's Court proclaimed October, 2009 as "National Domestic Violence Awareness Month" in Johnson County.

3. PRESENTATION OF TEXAS AGRILIFE EXTENSION SERVICE'S RECOMMENDATION TO FILL VACANCY OF COUNTY AGENT FOR FAMILY & CONSUMER SCIENCE

Comm. Beeson, seconded by Comm. Bailey, made a motion to accept the Agrilife Extension Service's recommendation of Tarren Oswald to fill the vacancy of the County Agent for Family & Consumer Science.

All voted aye; motion carried.

V. PUBLIC PARTICIPATION

None.

VI. PRECEDING BUSINESS

1. CONSIDERATION OF REQUEST TO PAY BILLS

Comm. Matthews, seconded by Comm. Bailey, made a motion to pay bills as presented by the County Auditor.

All voted aye; motion carried.

2. 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.

3. CONSIDERATION OF **RFB #2010-308**-LEASE OF COUNTY OWNED LAND: C. CHANEY SURVEY, A-124, ORIGINAL CLEBURNE, JOHNSON COUNTY, TEXAS, 1.24 ACRES, MORE OR LESS, SITUATED IN THE C. CHANEY SURVEY, ABSTRACT NO. 124, JOHNSON COUNTY, TEXAS, AS DESCRIBED IN THE FOLLOWING TWO (2) TRACTS: TRACT 1: 0.620 ACRES, MORE OR LESS, KNOWN AS PART OF BLOCK 24, MARKET SQUARE, JOHNSON COUNTY, TEXAS, ACCORDING TO THE OFFICIAL MAP OF THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 75, PAGE 462 AND 465-PRECINCT #1

Comm. Bailey, seconded by Comm. Matthews, made a motion to lease County owned land in the C. Chaney Survey, A-124, Original Cleburne, Johnson County, Texas, 1.24 acres, more or less, situated in the C. Chaney Survey, Abstract No. 124, Johnson County, Texas, as described in the following two (2) tracts: Tract 1: 0.620 acres, more or less, known as part of Block 24, Market Square, Johnson County, Texas, according to the Official Map of the City of Cleburne, Johnson County, Texas, according to the Plat recorded in Volume 75, Page 462 and 465 in Precinct #1, with a Royalty of 25% at the well head and a minimum of \$6,500.00 per acre with a no drill clause.

All voted aye; motion carried.

4. CONSIDERATION OF LEASE OF COUNTY OWNED LAND: C. CHANEY SURVEY, A-124, ORIGINAL CLEBURNE, JOHNSON COUNTY, TEXAS, 3.734 ACRES, MORE OR LESS, KNOWN AS TRACT 1, TRACT 2, TRACT 3, AND TRACT 4, ACCORDING TO THE PLAT RECORDED IN VOLUME 24, PAGES 590 AND 591, AND VOLUME 197, PAGES 638 AND 639, DEED RECORDS-PRECINCT #1

Comm. Bailey, seconded by Comm. Matthews, made a motion to lease County owned land in the C. Chaney Survey, A-124, Original Cleburne, Johnson County, Texas, 3.734 acres, more or less, known as Tract 1, Tract 2, Tract 3, and Tract 4, according to the Plat recorded in Volume 24, Pages 590 and 591, and Volume 197, Pages 638 and 639, Deeds Records in Precinct #1, with a Royalty of 25% at the well head and a minimum of \$6,500.00 per acre with a no drill clause.

All voted aye; motion carried.

## VII. UNFINISHED BUSINESS

4. CONSIDERATION OF RECURRING ITEMS CONCERNING MARKET SQUARE

Discussion. No Action.

6. CONSIDERATION OF RECURRING ITEMS CONCERNING NTTA/TXDOT-STATE HIGHWAY 121-SOUTHWEST PARKWAY/CHISHOLM TRAIL CORRIDOR

Discussion. No Action.

5. CONSIDERATION OF RECURRING ITEMS CONCERNING HAMM CREEK PARK

a. Signage

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the purchase of Signage for Hamm Creek Park.

All voted aye; motion carried.

7. CONSIDERATION OF LEASE OF ROAD ADJACENT TO THE SERVICE COMPLEX BUILDING AT 1102 E. KILPATRICK STREET, CLEBURNE, TEXAS, JESTER 1H, UNDER LOCAL GOVERNMENT CODE SECTION 263.007

Comm. Bailey, seconded by Comm. Matthews, made a motion to approve to advertise for Bids/Proposals for the lease of the road adjacent to the Service Complex Building at 1102 E. Kilpatrick Street, Cleburne, Texas, Jester 1H, under Local Government Code *Section 263.007*.

All voted aye; motion carried.

VIII. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

No Action.

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

- a. Public Works-Equipment Capital
- b. Road & Bridge, Precinct #2-Cell Phone Allowance
- c. Jail-Equipment Non-Capital

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve Budget Amendment pursuant to the Local Government Code *Section 111.010-C* for Public Works-Equipment Capital for the purchase of 2009 Ford for the new maintenance position approved in Budget FY2010 in the amount of \$ 13,786.00; Road and Bridge, Precinct #2-to correct the Budget for cell phone allowance for Position A50-002/A51-01 in the amount of \$960.00; and Jail-Equipment Non-Capital for the purchase of fire hoses to meet jail standards in the amount of \$935.00.

All voted aye; motion carried.

3. CONSIDERATION OF MID-YEAR EQUIPMENT PURCHASES WITHOUT PRIOR COMMISSIONER'S COURT APPROVAL WITH THE EXCEPTION OF AN EMERGENCY PURCHASE OR TO REPLACE BROKEN EQUIPMENT

Comm. Bailey, seconded by County Judge Roger Harmon, made a motion to deny the mid-year equipment purchases without prior Commissioner's Court approval with the exception of an emergency purchase or to replace broken equipment for the District Clerks office to purchase two (2) cordless headsets for the file desk in the amount of \$1,000.00.

Comm. Rick Bailey	Aye
County Judge Roger Harmon	Aye
Comm. John Matthews	Nay
Comm. Jerry Stringer	Nay
Comm. Don Beeson	Nay

Motion failed.

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the mid-year equipment purchases without prior Commissioner's Court approval with the exception of an emergency purchase or to replace broken equipment for the District Clerks office to purchase two (2) cordless headsets for the file desk in the amount of \$1,000.00.

Comm. John Matthews	Aye
Comm. Jerry Stringer	Aye
Comm. Don Beeson	Aye
Comm. Rick Bailey	Nay
County Judge Roger Harmon	Nay

Motion carried.

4. CONSIDERATION OF INCREASE OF CELL PHONE ALLOWANCE FOR MIKE POWELL, FROM \$40.00 PER MONTH TO \$80.00 PER MONTH-SHERIFF

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the increase of cell phone allowance for Mike Powell, with the Sheriff's Office, from \$40.00 per month to \$80.00 per month.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

7. CONSIDERATION OF LEASE OF ROAD ADJACENT TO THE SERVICE COMPLEX BUILDING AT 1102 E. KILPATRICK STREET, CLEBURNE, TEXAS, JESTER 1H, UNDER LOCAL GOVERNMENT CODE SECTION 263.007

Comm. Bailey, seconded by Comm. Matthews, made an amended motion to approve to advertise for Bids/Proposals for the lease of the road adjacent to the Service Complex Building at 1102 E. Kilpatrick Street, Cleburne, Texas, Jester 1H, under Local Government Code *Section 263.007* for an asphalt road which meets the City of Cleburne road specifications and a minimum of \$50.00 per linear foot.

All voted aye; motion carried.

VIII. NEW BUSINESS

5. CONSIDERATION OF CELL PHONE ALLOWANCE FOR ROBERT RUDZAVICE, BUILDING INSPECTOR-PUBLIC WORKS

Comm. Bailey, seconded by Comm. Matthews, made a motion to approve new cell phone allowance for Robert Rudzavice, Building Inspector-Public Works in the amount of \$40.00 per month.

All voted aye; motion carried.

6. CONSIDERATION OF DISPOSITION AND SALE OF INVENTORY ITEMS AS SURPLUS PROPERTY UNDER THE LOCAL GOVERNMENT CODE 263.152 THROUGH RENE BATES

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the request for the disposition and sale of inventory items as surplus property under Local Government Code 263.152 to be placed on Rene Bates Auction site.

All voted aye; motion carried.

7. CONSIDERATION OF RECURRING EXPENSE OF \$20.00 PER MONTH FOR A WATER COOLER-18<sup>TH</sup> JUDICIAL DISTRICT COURT

County Judge Roger Harmon, seconded by Comm. Matthews, made a motion to approve the recurring expense of \$20.00 per month for a water cooler for the 18<sup>th</sup> Judicial District Court.

All voted aye; motion carried.

8. CONSIDERATION OF LETTER IN SUPPORT OF THE CITY OF CLEBURNE FOR THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG) FY2010 SOLID WASTE IMPLEMENTATION PROJECT APPLICATION

Commissioner Beeson, seconded by Comm. Bailey, made a motion to approve the letter in support of the City of Cleburne for the North Central Texas Council of Governments (NCTCOG) FY2010 Solid Waste Implementation Project application and to give the County Judge the authorization to sign.

Comm. Rick Bailey	Aye
Comm. Jerry Stringer	Aye
Comm. Don Beeson	Aye
County Judge Roger Harmon	Aye
Comm. John Matthews	Abstained

Motion carried.

9. CONSIDERATION OF ORDER #2009-22, CREATING A JUVENILE CASE MANAGER FUND

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve **Order #2009-22**, Creating a Juvenile Case Manager Fund.

All voted aye; motion carried.

10. CONSIDERATION OF REMOTE CHECK DEPOSIT AGREEMENT WITH FIRST FINANCIAL BANK-TAX OFFICE

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the Remote Check Deposit Agreement with First Financial Bank and the Tax Office and to give the County Judge the authorization to sign.

All voted aye; motion carried.

11. CONSIDERATION OF CHANGES OF ELECTION DAY JUDGES

Comm. Stringer, seconded by Comm. Bailey, made a motion to approve the change of Election Day Judges.

All voted aye; motion carried.

12. CONSIDERATION OF CHANGES TO ELECTION DAY POLLING LOCATIONS

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the change to Election Day Polling Locations.

All voted aye; motion carried.

The Commissioner's Court recessed at 10:21 A.M. and reconvened at 10:39 A.M. to consider the following:

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 purchase of chair railing for the walls in the courtroom for Justice of the Peace, Precinct #1 in the amount of \$1,100.00 to be paid from Line Item 074-515-5530.

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

Discussion. No Action.

VIII. NEW BUSINESS

13. CONSIDERATION OF RESOLUTION FOR THE INDIGENT DEFENSE GRANT PROGRAM FY2010

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the Resolution for the Indigent Defense Grant Program FY2010 and to give the County Judge the authorization to sign.

All voted aye; motion carried.

14. CONSIDERATION TO APPLY FOR THE BUREAU OF JUSTICE ASSISTANCE FY09 RECOVERY ACT COMBATING CRIMINAL NARCOTICS ACTIVITY STEMMING FROM THE SOUTHERN BORDER OF THE UNITED STATES IN THE AMOUNT OF \$194,935.00-STOP THE OFFENDERS PROGRAM SPECIAL CRIME UNIT

Comm. Bailey, seconded by Comm. Beeson, made a motion to apply for the Bureau of Justice Assistance FY09 Recovery Act Combating Criminal Narcotics Activity Stemming from the Southern Border of the United States in the amount of \$194,935.00 for the Stop the Offenders Program Special Crimes Unit.

All voted aye; motion carried.

15. CONSIDERATION TO APPLY FOR THE ENERGY EFFICIENT AND CONSERVATION BLOCK GRANT (EECBG) IN THE AMOUNT OF \$120,000.00-PUBLIC WORKS

Comm. Matthews, seconded by Comm. Stringer, made a motion to apply for the Energy Efficient and Conservation Block Grant (EECBG) in the amount of \$120,000.00.

All voted aye; motion carried.

16. CONSIDERATION OF RESOLUTION ACCEPTING FUNDS FOR THE ENERGY EFFICIENT AND CONSERVATION BLOCK GRANT (EECBG) IN THE AMOUNT OF \$120,000.00-PUBLIC WORKS

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the Resolution accepting funds for the Energy Efficient and Conservation Block Grant (EECBG) in the amount of \$120,000.00 for Public Works.

All voted aye; motion carried.

17. CONSIDERATION OF OFFICIAL BOND AND OATH FOR ROBERT HEROD, DEPUTY CONSTABLE, PRECINCT #3

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the Official Bond and Oath for Robert Herod, Deputy Constable, Precinct #3.

All voted aye; motion carried.

X. CONSENT AGENDA

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

**BE IT KNOWN** that Commissioner's Court met in Executive Session at 10:58 A.M. in accordance with Government Code *Section 551.074*-Personnel-Constable Precinct #1, Bill Pearce and *Section 551.071*-Consultation with Attorney-Contemplated Litigation.

The Commissioner's Court re-convened into Open Session at 11:38 A.M. to consider the following:

XII. EXECUTIVE SESSION

1. Government Code:

- a. *Sec. 551.074*-Personnel-Constable Precinct #1, Bill Pearce

No Action.

- b. *Sec. 551.071*-Consultation with Attorney, Contemplated Litigation

No Action.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 11:38 A.M.

Submitted by: \_\_\_\_\_

County Clerk  
Curtis H. Douglas

Approved by: \_\_\_\_\_

County Judge  
Roger Harmon