

STATE OF TEXAS

November 23, 2009

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 23<sup>rd</sup> day of November 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 Dr. Tony Torres, Pastor of Cleburne First 7<sup>th</sup> Day Adventist Church and President of Hope Medical and Dental Clinic, and the Pledge of Allegiance, the following items, having been lawfully posted and filed for record in the Office of the County Clerk on November 19, 2009 at 1:02 P.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

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 TREASURER'S REPORT TO THE COMMISSIONER'S COURT

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.

4. CONSIDERATION TO AWARD RFP'S:

- a. RFP 2010-309-Lease of Right-of-Way and Road Use on Jester Pad Site off of Kilpatrick Street-Precinct #1

Comm. Bailey, seconded by Comm. Matthews, made a motion to award **RFP #2010-309** for Lease of Right-of Way and Road Use on Jester Pad Site off of Kilpatrick Street in Precinct #1 to Chesapeake Operating Inc. in the amount of \$17,200.00 and to give the County Judge the authorization to sign.

All voted aye; motion carried.

5. CONSIDERATION TO AWARD RFB'S:

- a. RFB 2010-310-Sale of Used Vehicles

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve **RFB #2010-310** for the sale of three (3) used vehicles-a 1998 Jeep Waggoner in the amount of \$2,000.00; a 2001-Ford F250 pick up in the amount of \$9,500.00; and a 2004 Ford F150 XLT pick up truck in the amount of \$10,000.00 to Jeff England Motor Company.

All voted aye; motion carried.

- b. RFB 2010-311-Purchase of Pick up Truck-Sheriff

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve **RFB #2010-311** to purchase a 2005 GMC pick up truck from Jeff England Motor Company in the amount of \$19,984.54 for the Sheriff's Office.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

5. CONSIDERATION OF RECURRING ITEMS CONCERNING HAMM CREEK PARK

- a. Waiver of Liability, Release and Hold Harmless by and for Persons Entering into or Utilizing Hamm Creek Park and Adjoining or Associated Property

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the Waiver of Liability, Release and Hold Harmless by and for Persons Entering into or Utilizing Hamm Creek Park and Adjoining or Associated Property for Hamm Creek Park.

All voted aye; motion carried.

- b. Warning Signage

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve the Warning Signage for Hamm Creek Park.

All voted aye; motion carried.

- c. Emergency & Disaster Plan

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the Emergency & Disaster Plan for Hamm Creek Park.

All voted aye; motion carried.

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

Discussion. No Action.

7. CONSIDERATION OF AN EMERGENCY ACTION PLAN FOR THE CHAMBERS WATERSHED, SITE 58, CLEBURNE, JOHNSON COUNTY, TEXAS

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve an Emergency Action Plan for the Chambers Watershed, Site 58, Cleburne, Johnson County, Texas and to give the County Judge the authorization to sign.

All voted aye; motion carried.

VIII. NEW BUSINESS

13. CONSIDERATION OF TEMPORARY CONSTRUCTION EASEMENTS FOR FLOOD PREVENTION STRUCTURE, SITES 32 AND 38, WITH THE JOHNSON COUNTY SOIL AND WATER CONSERVATION DISTRICT #541

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the Temporary Construction Easements for Flood Prevention Structure, Sites 32 and 38, with the Johnson County Soil and Water Conservation District #541 and to give the County Judge the authorization to sign.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

8. CONSIDERATION OF EVERBRIDGE NOTIFICATION FOR CRI PROGRAM-EMERGENCY MANAGEMENT

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

All voted aye; motion carried.

VIII. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Beeson, seconded by Comm. Matthews, made a motion to advertise for bids/proposals for Precinct #4 to purchase a Roscoe mechanical chip spreader from Buy Board with a trade in value of \$12,000.00 making the total purchase of \$106,800.00 with an optional hopper walkway and railing at \$1,678.00.

All voted aye; motion carried.

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

- a. Disaster Recovery-Fees & Services
- b. Records Management County-Equipment Non-Capital
- c. Jury-Equipment Non-Capital
- d. Sheriff Forfeiture-Equipment-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 Disaster Recovery-Fees & Services to create a budget for environmental clean up services in the amount of \$20,000.00; Records Management County-Equipment Non-Capital to purchase file cabinets for permanent school records to be retained in the County Judge's Office in the amount of \$2,000.00; Jury-Equipment Non-Capital to purchase hardware for Jury software in the amount of \$30,120.00; and Sheriff Forfeiture-Equipment Non-Capital to purchase two used vehicles in the amount of \$42,030.00.

All voted aye; motion carried.

3. CONSIDERATION OF CONTRACTS AND AGREEMENTS FOR JUVENILE SERVICES WITH:

- a. Renewal-Pre-Adjudication Detention Services with Cooke, Fannin and Grayson County

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the Juvenile Services Renewal Contract for Pre-Adjudication Detention Services with Cooke, Fannin and Grayson County and to give the County Judge the authorization to sign.

All voted aye; motion carried.

- b. Renewal-Residential Services Juvenile Post-Adjudication Facility Cooke, Fannin and Grayson County

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the Juvenile Services Renewal Contract for Residential Services Juvenile Post-Adjudication Facility with Cooke, Fannin and Grayson County and to give the County Judge the authorization to sign.

All voted aye; motion carried.

c. Debi Blevins, LPC for Non-Residential Services

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the Juvenile Services Non-Residential Services Contract with Debi Blevins, LPC Intern and to give the County Judge the authorization to sign.

All voted aye; motion carried.

4. CONSIDERATION OF CELL PHONE ALLOWANCE FOR BRANDI SMITH, JUVENILE PROBATION OFFICER

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve a cell phone allowance in the amount of \$40.00 per month for Brandi Smith, Juvenile Probation Officer.

All voted aye; motion carried.

9. CONSIDERATION TO APPLY FOR E-RATE FUNDS FROM THE SCHOOL AND LIBRARY DIVISION OF THE STATE OF TEXAS TO PROVIDE DISCOUNTS ON CERTAIN SERVICES AND PRODUCTS THAT ARE ESSENTIAL FOR CLASSROOMS TO RECEIVE VOICE, VIDEO, AND DATA COMMUNICATIONS-JJAEP

Comm. Stringer, seconded by Comm. Beeson, made a motion to apply for E-Rate Funds from the School and Library Division of the State of Texas to provide discounts on certain services and products that are essential for classrooms to receive voice, video, and data communications for JJAEP.

All voted aye; motion carried.

5. CONSIDERATION OF VIDEO TELECONFERENCING PROJECT EQUIPMENT-EMERGENCY MANAGEMENT

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

All voted aye; motion carried.

The Commissioner's Court recessed at 10:09 A.M. and reconvened at 10:29 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

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

No Action.

4. CONSIDERATION OF RECURRING ITEMS CONCERNING MARKET SQUARE

Discussion. No Action.

VIII. NEW BUSINESS

6. CONSIDERATION OF STATE CONTRACT FOR PICK UP AND DISPOSAL OF USED TIRES AND RUBBER RECYCLING FOR PRECINCTS #1 AND #3

Comm. Stringer, seconded by Comm. Bailey, made a motion to approve the State Contract for pick up and disposal of used tires and rubber recycling for Precincts #1 and #3 and to give the County Judge the authorization to sign.

All voted aye; motion carried.

7. CONSIDERATION TO CREATE A TEMPORARY POSITION DUE TO EMPLOYEE LEAVE GRANTED FROM DECEMBER 1, 2009 THROUGH JANUARY 3, 2010-AUDITOR

Comm. Beeson, seconded by Comm. Stringer, made a motion to create a temporary position due to an employee leave granted from December 1, 2009 through January 3, 2010 for the Auditor's Office.

All voted aye; motion carried.

8. CONSIDERATION TO USE TECH FUND MONEY TO PURCHASE A 50" PLASMA TELEVISION WITH STAND, AND A VCR WITH DVD AND CASSETTE PLAYER-JUSTICE OF THE PEACE PRECINCT #1

Comm. Bailey, seconded by Comm. Stringer, made a motion to use Tech Fund money to purchase a 50" Plasma television with stand in the estimated amount of \$2,000.00 and a VCR with DVD and cassette player in the amount of \$400.00 for Justice of the Peace, Precinct #1.

All voted aye; motion carried.

10. CONSIDERATION OF WEST LAW CONTRACT-COUNTY ATTORNEY

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the West Law Contract for the County Attorney's Office and to give the County Judge the authorization to sign.

All voted aye; motion carried.

Commissioner Don Beeson left the meeting at 11:08 A.M.

11. CONSIDERATION OF E911 SERVICES FOR JOHNSON COUNTY PHONE SYSTEM-ISS

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

All voted aye; motion carried.

Commissioner Don Beeson returned to the meeting at 11:09 A.M.

12. CONSIDERATION OF ONCOR ELECTRICAL DELIVERY PROPOSAL FOR REMOVAL OF ELECTRICAL POLE ON THE NW CORNER OF BUFFALO AND COLLEGE STREET

Comm. Stringer, seconded by Comm. Bailey, made a motion to approve Oncor Electrical delivery proposal for removal of electrical pole on the NW corner of Buffalo and College Street.

All voted aye; motion carried.

14. CONSIDERATION OF PAYMENT TO JOHNSON COUNTY CLERK, TO BE DEPOSITED INTO THE REGISTRY OF THE COURT IN CAUSE NUMBER E2009-00028, A CHECK IN THE AMOUNT OF \$76,362.01 AND A CHECK TO THE CITY OF CLEBURNE IN PAYMENT OF LIEN DATED 9-24-04, FILED IN VOL. 3386, PAGE 0177 IN THE AMOUNT OF \$4,637.99

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve payment to Johnson County Clerk, to be deposited into the registry of the Court in Cause Number E2009-00028, a check in the amount of \$76,362.01 and a check to the City of Cleburne in payment of lien dated 9-24-04, filed in Vol. 3386, Page 0177 in the amount of \$4,637.99.

All voted aye; motion carried.

IV. CONSENT AGENDA

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

All voted aye; motion carried.

V. WORKSHOP

The Commissioner's Court convened into Workshop Session at 11:22 A.M. to discuss the Constable Precinct #1 Office Location; and Weights and Measures of Commercial Motor Vehicles in Johnson County including a. Overaxle Permits and b. Liability on Trucking Companies.

The Commissioner's Court reconvened into Open Session at 11:57 A.M.

**BE IT KNOWN** that Commissioner's Court met in Executive Session at 11:57 A.M. in accordance with Government Code *Section 551.072*-Real Property; *Section 551.087*-Economic Development Negotiations; and *Section 551.071*-Consultation with Attorney, Pending Litigation.

The Commissioner's Court re-convened into Open Session at 1:41 P.M. to consider the following:

VI. EXECUTIVE SESSION

1. Government Code:

a. *Sec. 551.072*-Real Property

No Action.

b. *Sec. 551.087*-Economic Development Negotiations

No Action.

c. *Sec. 551.071*-Consultation with Attorney, Pending Litigation

No Action.

The Commissioner's Court recessed at 1:46 P.M. and reconvened at 2:03 P.M. to consider the following:

ADDENDUM

VII. UNFINISHED BUSINESS

9. CONSIDERATION OF CITY OF JOSHUA AND JOHNSON COUNTY AGREEMENT TO PARTICIPATE IN THE JOSHUA STATION TAX INCREMENT REINVESTMENT ZONE #1

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the City of Joshua and Johnson County Agreement to participate in the Joshua Station Tax Increment Reinvestment Zone #1 with a cap amount of \$1,583,000.00 effective January 1, 2010 until April, 2024 with the base line being January 1, 2004.

All voted aye; motion carried.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 2:54 P.M.

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

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