

STATE OF TEXAS

July 12, 2010

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 12th day of July, 2010, 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 Bill Roe, Interim Pastor, 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 July 8, 2010 at 1:08 P.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

1. PRESENTATION OF PLAQUE TO THE JOHNSON COUNTY RELAY FOR LIFE TEAM

Jennifer Vanderlaan presented a plaque to the members of the Johnson County Relay for Life Team.

2. 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.

V. PUBLIC PARTICIPATION

Robert Sigler spoke in reference to the flooding at his residence on Sundance Dr. in Precinct #2.

Robin Waddell spoke in reference to the increased truck traffic on CR 802 in Precinct #2.
Commissioner Beeson exited the meeting at 9:34 A.M.

VI. PRECEDING BUSINESS

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

- a. May 25, 2010 – Special Session
- b. June 1, 2010 – Special Session

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the Commissioner's Court Minutes for May 25, 2010, and June 1, 2010.

All voted aye; motion carried.

Commissioner Beeson returned to the meeting at 9:35 A.M.

2. 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 an invoice from DFW Tech in the amount of \$14,012.50

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 TO ADVERTISE FOR LEASE OF COUNTY OWNED LAND FOR MINERAL DEVELOPMENT ON THE FOLLOWING PROPERTY: A-124, C. CHANEY SURVEY: HARVEY S. WILSON ADDITION NORTH 3.105 ACRES, MORE OR LESS, SITUATED IN THE CHRISTOPHER CHANEY SURVEY, ABSTRACT NO. 124, JOHNSON COUNTY, TEXAS, KNOWN AS TRACT VII AND TRACT IX, AS

DESCRIBED IN THAT CERTAIN SPECIAL WARRANTY DEED DATED SEPTEMBER 1, 2006, FROM JOHNSON COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER ALSO KNOWN AS JOHNSON COUNTY M.H.M.R. TO JOHNSON COUNTY, TEXAS, RECORDED IN VOLUME 3944, PAGE 275, OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS-PRECINCT #1

Comm. Bailey, seconded by Comm. Matthews, made a motion to approve to advertise for lease of County owned land for mineral development on the following property: A-124, C. Chaney Survey: Harvey S. Wilson Addition North 3.105 acres, more or less, situated in the Christopher Chaney Survey, Abstract No. 124, Johnson County, Texas, known as Tract VII and Tract IX, as described in that certain Special Warranty Deed dated September 1, 2006, from Johnson County Mental Health Mental Retardation Center also known as Johnson County M.H.M.R. to Johnson County, Texas, recorded in Volume 3944, Page 275, Official Public Records, Johnson County, Texas in Precinct #1 with the request of a lease minimum of \$3,000.00 per acre and a royalty of 25%.

All voted aye; motion carried.

5. CONSIDERATION OF RENEWAL OF **RFP #2009-230** FOR JANITORIAL SUPPLIES WITH EMPIRE PAPER COMPANY

Comm. Beeson, seconded by Comm. Matthews, made a motion to approve the renewal of **RFP #2009-230** for Janitorial Supplies with Empire Paper Company.

All voted aye; motion carried.

6. CONSIDERATION OF **RFP #2010-329** FOR RENFRO ROAD PROJECT-PRECINCT #3

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve of **RFP #2010-329** for Renfro Road Project in Precinct #3.

All voted aye; motion carried.

7. CONSIDERATION **RFB #2010-328** FOR SALE OF RAILROAD TIES TO SHEPHERD’S VALLEY COWBOY CHURCH

Comm. Bailey, seconded by Comm. Matthews, made a motion to approve **RFB #2010-328** for sale of 100 railroad ties in the amount of \$5.00 each to Shepherd’s Valley Cowboy Church.

All voted aye; motion carried.

8. CONSIDERATION TO SELL ITEMS ON RENE BATES FOR AUCTION- PRECINCT #3

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve to sell a 1994 Kenworth Model T-600 Truck, 1986 Spread King Model WHS GS2, 1998 Geffs WH Spread King Model WBHSM, and a 4,000 gallon emulsion storage tank on Rene Bates for Auction for Precinct #3.

All voted aye; motion carried.

9. CONSIDERATION OF EMERGENCY REPAIR OF APPROXIMATELY 100 FT. OF RETAINING WALL AND GUARDRAIL IN THE AMOUNT OF \$20,000.00 ON CR 527 UNDER LOCAL GOVERNMENT CODE *SECTION 262.024 (a)(2)*-PRECINCT #3

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the emergency repair of approximately 100 ft. of retaining wall and guardrail in the amount of \$20,000.00 on CR 527 under Local Government Code *Section 262.024 (a)(2)* in Precinct #3.

All voted aye; motion carried.

X. WORKSHOP

The Commissioner’s Court convened into Workshop Session at 9:41 A.M. to discuss the Lease of Burleson Sub-Courthouse Second Floor.

The Commissioner's Court re-convened into Open Session at 9:55 A.M. to consider the following:

VIII. NEW BUSINESS

7. CONSIDERATION OF **ORDER #2010-15**-TAX ABATEMENT AGREEMENT WITH SOUTHERN CHAMPION TRAY, LP, FOR ABATEMENT OF AD VALOREM TAXES PURSUANT TO V.T.C.A., TAX CODE, CHAPTER 312

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve **Order #2010-15**, Tax Abatement Agreement with Southern Champion Tray, LP, for Abatement of Ad Valorem Taxes Pursuant to V.T.C.A., Tax Code, Chapter 312 and to give the County Judge the authorization to sign.

All voted aye; motion carried.

14. CONSIDERATION TO APPOINT A HEALTH OFFICER FOR JOHNSON COUNTY EFFECTIVE JULY 1, 2010

Comm. Matthews, seconded by Comm. Beeson, made a motion to re-appoint Dr. Dwight Allen Hines II, M.D., as Health Officer for Johnson County effective July 1, 2010 at an annual salary of \$12,000.00 to be paid from Budget line item 510.

All voted aye; motion carried.

The Commissioner's Court recessed at 10:09 A.M. and reconvened at 10:27 A.M. to consider the following:

10. CONSIDERATION OF LN NON-FCRA APPLICATION & AGREEMENT GOVERNMENT AGENCIES WITH LEXISNEXIS RISK SOLUTIONS FL INC. FOR INVESTIGATIVE PURPOSES-INDIGENT HEALTH CARE

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve of LN Non-FCRA Application & Agreement Government Agencies with LexisNexis Risk Solutions FL, Inc. for investigative purposes for Indigent Health Care and to give the County Judge the authorization to sign.

All voted aye; motion carried.

12. CONSIDERATION OF CELLULAR EQUIPMENT ALLOWANCE REQUESTS FOR MEDICAL EXAMINER'S OFFICE EMPLOYEES:

- a. Michael Pollard
- b. Kevin M. Coffey
- c. Liesl Hoover
- d. Steven Clinkscales
- e. Gary Don Morris-Medical Examiner's Office

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the cellular equipment allowance requests in the amount of \$40.00 per month for Medical Examiner's Office employees with the funds to be transferred from the existing Medical Examiner's budget for the remainder of the year.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

4. CONSIDERATION OF RECURRING ITEMS CONCERNING MARKET SQUARE

Discussion. No Action.

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

Discussion. No Action.

VIII. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

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

All voted aye; motion carried.

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

- a. Road Repair Materials from XTO Energy in the Amount of \$1,117.00-Road & Bridge, Precinct #4

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the Budget Amendment pursuant to the Local Government Code *Section 111.0106* for road repair materials from XTO Energy in the amount of \$1,117.00 for Road & Bridge in Precinct #4.

All voted aye; motion carried.

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

- a. Indigent Health Care-Indigent Care Expense

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the Budget Amendment pursuant to the Local Government Code *Section 111.010-C* for Indigent Health Care-Indigent Care Expenses for budget shortage in the amount of \$250,000.00.

All voted aye; motion carried.

4. CONSIDERATION OF COMMISSIONER'S COURT APPROVAL AND INTERLOCAL AGREEMENT WITH THE CITY OF BURLESON FOR THE REBUILDING OF A PORTION OF CR 530-B WITHIN THE CITY LIMITS OF BURLESON, TEXAS-PRECINCT #3

Comm. Stringer, seconded by Comm. Bailey, made a motion to approve Commissioner's Court Approval and Interlocal Agreement with the City of Burleson for the Rebuilding of a Portion of CR 530-B within the City Limits of Burleson, Texas in Precinct #3.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

1. CONSIDERATION OF ARCHITECTURAL DESIGN, SPECIFICATION, FINANCIAL PROGRAM REQUIREMENT AND CONTRACTS FOR THE LAW LIBRARY AT THE GUINN JUSTICE CENTER

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 ADULT PROBATION BUILDING

Discussion. No Action.

6. CONSIDERATION OF ARCHITECTURAL DESIGN, SPECIFICATION, FINANCIAL PROGRAM REQUIREMENT AND CONTRACTS FOR THE EMERGENCY OPERATIONS CENTER GRANT

Discussion. No Action.

VIII. NEW BUSINESS

5. CONSIDERATION OF THE TEXS DEPARTMENT OF MOTOR VEHICLES IMPOSITION OF OPTIONAL FEES PURSUANT TO CHAPTER 502 OF THE TRANSPORTATION CODE

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the Texas Department of Motor Vehicles imposition of optional fees pursuant to Chapter 502 of the Transportation Code and not include the optional extra fee in the amount of \$1.50 for the Child Safety Fund.

All voted aye; motion carried.

6. CONSIDERATION OF CONTINUATION OF FOURTH PHASE OF RE-CREATION OF RECORDS PROJECT WITH ACS GOVERNMENT RECORDS MANAGEMENT-COUNTY CLERK

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the Continuation of Fourth Phase of Re-creation of Records Project with ACS Government Records Management to be paid from the County Clerk Records Archive Fund 045 in the amount of \$374,999.75 for the County Clerk's Office and to give the County Judge the authorization to sign.

All voted aye; motion carried.

8. CONSIDERATION OF PROFESSIONAL SERVICES AGREEMENT BETWEEN JOHNSON COUNTY, TEXAS AND RUTH BROWN FOR MAGISTRATE SERVICES AT THE JOHNSON COUNTY LAW ENFORCEMENT CENTER

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the Professional Services Agreement between Johnson County, Texas and Ruth Brown for Magistrate Services at the Johnson County Law Enforcement Center for weekends and holidays only and to give the County Judge the authorization to sign.

All voted aye; motion carried.

9. CONSIDERATION OF RENEWAL OF SERVICE AGREEMENT WITH WASTE MANAGEMENT FOR NON-HARZARDOUS WASTE COLLECTION -PRECINCT #2

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the renewal of Service Agreement with Waste Management for Non-Hazardous Waste Collection in Precinct #2 with the stipulation that Bill Moore, County Attorney, change the wording of the contract concerning paragraphs #6 and #8 and to give the County Judge the authorization to sign.

All voted aye; motion carried.

11. CONSIDERATION OF AMENDMENT NO. 3 TO TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TXCDBG) CONTRACT NO. 727310 TEXAS DEPARTMENT OF RURAL AFFAIRS AND THE COUNTY OF JOHNSON

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve Amendment No. 3 to Texas Community Development Block Grant Program (TxCDBG) Contract No. 727310 Texas Department of Rural Affairs and the County of Johnson and to give the County Judge the authorization to sign.

All voted aye; motion carried.

13. CONSIDERATION OF CONTINUATION CERTIFICATE BOND FOR PAUL GAUMOND, DEPUTY CONSTABLE-CONSTABLE, PRECINCT #2

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Continuation Certificate Bond for Paul Gaumond, Deputy Constable for Constable, Precinct #2.

All voted aye; motion carried.

IX. CONSENT AGENDA

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

All voted aye; motion carried.

X. WORKSHOP

The Commissioner's Court convened into Workshop Session at 11:16 A.M. to discuss Subdivision Rules & Regulations and the Budget.

The Commissioner's Court recessed at 11:39 A.M. and reconvened at 1:01 P.M.

The Commissioner's Court re-convened into Open Session at 1:49 P.M.

BE IT KNOWN that Commissioner's Court met in Executive Session at 1:49 P.M. in accordance with Government Code *Section 551.074*-Personnel and Personnel-ISS Director.

The Commissioner's Court re-convened into Open Session at 2:32 P.M. to consider the following:

XI. EXECUTIVE SESSION

1. Government Code:

a. *Sec. 551.074*-Personnel

(1) Sammy Baxter-ISS Department

Comm. Beeson, seconded by Comm. Matthews, made a motion to take no action at this time in regards to Sammy Baxter, ISS Department.

All voted aye; motion carried.

ADDENDUM

XI. EXECUTIVE SESSION

1. Government Code:

b. *Sec. 551.074*-Personnel-ISS Director

- (1) Carol Gagich
- (2) Daniel D. Milam
- (3) Daniel J. Barnett
- (4) Clyde J. (Jamie) Perkins III
- (5) Rhonda D. Allen

Comm. Matthews, seconded by Comm. Bailey, made a motion to extend an offer to Daniel Milam for the position of ISS Director of Johnson County and to give the County Judge the authorization to negotiate the terms of employment.

All voted aye; motion carried.

There being no further business before the Court concerning this agenda, Commissioner's
Court adjourned at 2:34 P.M.

Submitted by: _____
County Clerk
Becky Williams

Approved by: _____
County Judge
Roger Harmon