

STATE OF TEXAS

February 28, 2011

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 28th day of February, 2011, 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 Donald Bennett and the Pledge of Allegiance, the following items, having been lawfully posted and filed for record in the Office of the County Clerk on February 23, 2011 at 8:01 A.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

1. PRESENTATION OF PLAQUE TO JOHNSON COUNTY EMPLOYEES FOR PARTICIPATION IN THE UNITED WAY CAMPAIGN

The United Way presented a plaque to Johnson County Commissioner's Court for County employees' participation in the United Way Campaign.

V. PUBLIC PARTICIPATION

Richard Andrews spoke about a water runoff problem on his property in Precinct #4.

VI. PRECEDING BUSINESS

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

- a. December 27, 2010 – Regular Session
- b. January 10, 2011 – Regular Session
- c. February 7, 2011 – Special Session

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the Commissioner's Court Minutes for December 27, 2010, January 10, 2011 and February 7, 2011.

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 ORDER #2011-03 APPROVING THE JOHNSON COUNTY TREASURER'S REPORT TO THE COMMISSIONER'S COURT

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve **Order #2011-03** approving the Johnson County Treasurer's Report to the Commissioner's Court.

All voted aye; motion carried.

5. CONSIDERATION OF FINAL PLAT OF GRANDVIEW INDUSTRIAL PARK, LOTS 1, THRU 15, BLOCK 1, AND LOTS 1, THRU 3, BLOCK 2- PRECINCT #4

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the final plat of **Grandview Industrial Park**, Lots 1 thru 15, Block 1, and Lots 1 thru 3, Block 2 in Precinct #4

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

2. CONSIDERATION OF RECURRING ITEMS CONCERNING MARKET SQUARE

Discussion. No Action.

4. CONSIDERATION OF ORDER #2011-01 – PROHIBITION OF OUTDOOR BURNING

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

All voted aye; motion carried.

5. CONSIDERATION OF ADDENDUM NUMBER SIX TO MANAGEMENT SERVICES CONTRACT BETWEEN JOHNSON COUNTY, TEXAS AND SOUTHWEST CORRECTIONAL, LLC DOING BUSINESS AS LASALLE SOUTHWEST CORRECTIONS

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve Addendum Number Six to Management Services Contract between Johnson County, Texas and Southwest Correctional, LLC doing business as LaSalle Southwest Corrections and to give the County Judge and Sheriff the authorization to sign.

All voted aye; motion carried.

6. CONSIDERATION OF 96 BED JAIL EXPANSION AGREEMENT BETWEEN JOHNSON COUNTY, TEXAS (“COUNTY”) AND SOUTHWEST CORRECTIONAL, LLC DBA LASALLE SOUTHWEST CORRECTIONS (“LASALLE SOUTHWEST”)

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the 96 Bed Jail Expansion Agreement between Johnson County, Texas (“County”) and Southwest Correctional, LLC, dba LaSalle Southwest Corrections (“LaSalle Southwest”) and to give the County Judge and Sheriff the authorization to sign.

All voted aye; motion carried.

VIII. NEW BUSINESS

8. CONSIDERATION OF CONTRIBUTION FOR RIGHT OF WAY – CHISHOLM TRAIL PARKWAY WITH THE NORTH TEXAS TOLLWAY AUTHORITY

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

All voted aye; motion carried.

Commissioner Bailey exited the meeting at 10:04 A.M.

6. CONSIDERATION OF MASTER CONTRACT FOR PARAMEDIC AMBULANCE SERVICES AMENDMENT AND EXTENSION #3 WITH CAREFLITE

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

All voted aye; motion carried.

Commissioner Bailey returned to the meeting at 10:06 A.M.

9. CONSIDERATION OF THE JOHNSON COUNTY EMERGENCY SERVICES DISTRICT #1'S FINANCIAL REPORT PURSUANT TO CHAPTER 775 OF THE TEXAS HEALTH AND SAFETY CODE

Comm. Beeson, seconded by Comm. Stringer, made a motion to accept the Johnson County Emergency Services District #1's Financial Report pursuant to Chapter 775 of the Texas Health and Safety Code.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

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

Discussion. No Action.

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

a. Amendment No. 1 to Agreement between Owner and Construction Manager

Comm. Bailey, seconded by Comm. Matthews, made a motion to approve Amendment No. 1 to Agreement between Owner (Johnson County, Texas) and Construction Manager (RBR Construction, Inc.) for the Emergency Operations Center and to give the County Judge the authorization to sign.

All voted aye; motion carried.

7. CONSIDERATION OF APPOINTMENT OF STEVE STEELE TO THE EMERGENCY SERVICES DISTRICT #1 BOARD- PRECINCT #2

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

All voted aye; motion carried.

8. CONSIDERATION OF FULLY FUNDED, SELF FUNDED, OR QUALIFIED ALTERNATIVE HEALTH AND DENTAL INSURANCE PROVIDERS FOR JOHNSON COUNTY

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve Assurant as the Qualified Provider for Dental Insurance for Johnson County.

All voted aye; motion carried.

VIII. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Matthews, seconded by Comm. Beeson, made a motion to advertise for bids/proposals for road materials, asphalt materials, and a Real Estate Appraiser for the County.

All voted aye; motion carried.

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

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

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the Budget Amendment pursuant to the Local Government Code *Section 111.0106* for Road & Bridge, Precinct #2, for road materials from Chesapeake Operating in the amount of \$24,591.00, from State Farm Mutual Insurance Co. in the amount of \$2,164.00, and for equipment repair from Rene Bates Auction/Mack Truck in the amount of \$6,270.00 for a total of \$33,025.00.

All voted aye; motion carried.

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

a. Right of Way-ROW Purchases

b. Technology Fund-Justice of the Peace, Precinct #1-Dues & Conferences

c. Equipment Purchase, Sheriff-Equipment Capital

Comm. Bailey, seconded by Comm. Matthews, made a motion to approve the Budget Amendment pursuant to the Local Government Code *Section 111.010-C* for Right of Way, ROW Purchases to create a budget for additional purchases for SH 121 in the amount of \$10,000.00; Technology Fund, Justice of the Peace, Precinct #1, Dues & Conferences for training on October 19, 2010 which was approved in Commissioner's Court September 13, 2010 and training on January 24-27, 2011 which was approved in Commissioner's Court on December 13, 2010 for the total amount of \$834.00; and Equipment Purchase, Sheriff, Equipment Capital to purchase a vehicle for the Emission Control Grant in the amount of \$22,001.00 which was approved in Commissioner's Court on February 14, 2011.

All voted aye; motion carried.

4. CONSIDERATION OF JOHNSON COUNTY QUARTERLY INVESTMENT REPORT FOR THE 3RD QUARTER OF FY 2010-AUDITOR'S OFFICE

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the Johnson County Quarterly Investment Report for the 3rd Quarter of FY 2010 from the Auditor's Office.

All voted aye; motion carried.

5. CONSIDERATION OF JOHNSON COUNTY QUARTERLY INVESTMENT REPORT FOR THE 4TH QUARTER OF FY 2010-AUDITOR'S OFFICE

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the Johnson County Quarterly Investment Report for the 4th Quarter of FY 2010 from the Auditor's Office.

All voted aye; motion carried.

7. CONSIDERATION OF COURTHOUSE PRESERVATION PROGRAM FUNDING AGREEMENT WITH THE TEXAS HISTORICAL COMMISSION FOR AN ACOUSTICAL STUDY

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Courthouse Preservation Program Funding Agreement with the Texas Historical Commission for an acoustical study at a cost to the County of \$2,500.00 to be paid out of the Fees and Services Fund, with matching funds from the Texas Historical Commission and to give the County Judge the authorization to sign.

All voted aye; motion carried.

The Commissioner's Court recessed at 10:33 A.M. and reconvened at 10:51 A.M. to consider the following:

10. CONSIDERATION OF RACIAL PROFILING REPORTS TO THE COMMISSIONER'S COURT:

a. Constable, Precinct #3

Comm. Stringer, seconded by Comm. Bailey, made a motion to approve the Racial Profiling Report to the Commissioner's Court for Constable, Precinct #3.

All voted aye; motion carried.

b. Constable, Precinct #4

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve the Racial Profiling Report to the Commissioner's Court for Constable, Precinct #4.

All voted aye; motion carried.

11. CONSIDERATION TO SPEND TECH FUND MONIES FOR EDUCATION AND TECHNOLOGY CONFERENCE FOR JUDGE PAT JACOBS IN THE AMOUNT OF \$1,000.00-JUSTICE OF THE PEACE, PRECINCT #3

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve to spend Tech Fund monies for Education and Technology Conference for Judge Pat Jacobs in the amount of \$1,000.00 for Justice of the Peace, Precinct #3.

All voted aye; motion carried.

12. CONSIDERATION OF RESOLUTION IN SUPPORT OF LEGISLATION TO INCREASE THE WARRANT FEE AS AUTHORIZED BY ARTICLE 102.011(a)(2), TEXAS CODE OF CRIMINAL PROCEDURE

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the Resolution in Support of Legislation to Increase the Warrant Fee as authorized by Article 102.011(a)(2), Texas Code of Criminal Procedure.

All voted aye; motion carried.

IX. CONSENT AGENDA

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

All voted aye; motion carried.

BE IT KNOWN that Commissioner's Court met in Executive Session at 10:59 A.M. in accordance with Government Code *Sec. 551.074*-Personnel-Public Works Department.

The Commissioner's Court reconvened into Open Session at 2:11 P.M. to consider the following:

X. WORKSHOP

The Commissioner's Court convened into Workshop Session at 2:11 P.M. to discuss Economic Development through Tax Abatement Agreements and Tax Increment Financing.

The Commissioner's Court reconvened into Open Session at 2:44 P.M.

BE IT KNOWN that Commissioner's Court met in Executive Session at 2:44 P.M. in accordance with Government Code *Sec. 551.074*-Personnel-Public Works Department.

The Commissioner's Court reconvened into Open Session at 3:43 P.M. to consider the following:

I. EXECUTIVE SESSION

1. Government Code:

a. *Sec. 551.074*-Personnel-Public Works Department

- (1) Don Burns
- (2) David Disheroon
- (3) Mike Lanham
- (4) Ovie Miller
- (5) Diana Hume
- (6) Sandra Gallagher
- (7) Susan Garrett
- (8) Drenda Roller
- (9) Geneva Tarvin

Comm. Beeson, seconded by Comm. Stringer, made a motion to request the resignation of Don Burns, Public Works Director, to be effective February 28, 2011.

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

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 3:45 P.M.

Submitted by: _____
County Clerk
Becky Williams

Approved by: _____
County Judge
Roger Harmon