

COMMISSIONERS COURT
COUNTY OF HOOD

BE IT KNOWN THAT ON THIS THE 13TH DAY OF APRIL, 2010, THE HONORABLE COMMISSIONERS COURT OF HOOD COUNTY WAS DULY CONVENED IN REGULAR SESSION, IN THE CENTRAL JURY ROOM OF THE HOOD COUNTY JUSTICE CENTER, 1200 W PEARL ST., GRANBURY, TEXAS, FOR THE FOLLOWING PURPOSES, TO WIT:

Pursuant to the Texas Open Meetings Act, notice is hereby given that a regular meeting of the Commissioners' Court of Hood County, Texas will be held on **Tuesday, April 13, 2010, at 9:00 AM** in the **JURY SELECTION ROOM OF THE HOOD COUNTY JUSTICE CENTER** 1200 W. Pearl St, Granbury, Texas 76048. At which meeting the following subjects will be discussed and the following matters acted upon.

AGENDA:

- I. Call to order
- II. Invocation
- III. Pledge of Allegiance
- IV. Pledge to Texas
"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible"
- V. Special presentations
 - A. Texas Veterans Commission recognition of service for Ron Blackett.
 - B. Texas Historical Commission presentation Distinguished Service Award.
- VI. Citizens' Comments pertaining to AGENDA ITEMS only.
- VII. CONSENT AGENDA
 - A. Minutes:
 - 1. Regular commissioners' court meeting minutes for Tuesday, March 23, 2010 at 7 PM.
 - 2. Special called Commissioners' Court minutes for March 16, 2010 at 10:00 AM.
 - 3. Special called Commissioners' Court minutes for April 6, 2010 at 10:00 AM.
 - B. Treasurer:
 - 1. Ratify payroll for the period 3/15-3/28/10 – paid 4/2/10
 - 2. Ratify jury paid.
 - C. Personnel changes, new hires, and terminations
 - D. Accept annual report Hood County Historical Commission
 - E. Purchasing:
 - 1. Accept renewal for:
 - a. Rental equipment to Hi-way Equipment Co., Neff Rental Inc., Powerscreen Texas Inc., Hertz Equipment Rental and Holt Caterpillar;
 - b. Hot mix-cold lay asphaltic concrete to Vulcan Construction Materials and APAC-Texas Inc.;
 - c. Portland cement concrete to Ingram Concrete and Colorado River Concrete;
 - d. Corrugated culverts to Contech Construction Products; and,
 - e. Aggregates for surface treatment to Vulcan Construction Materials and Squaw Creek Materials.
 - 2. Declare old radio equipment as scrap for disposal and take appropriate action
- VIII. Business to be discussed and considered for approval:
 - A. **SUBDIVISIONS, ROADS AND PLATS**
 - 1 Road Operations**
 - a. Discuss and consider acceptance of Warranty Deed for Right of Way property to extend Pirate Drive from US Highway 377 West to FM 51 South.

- b. Consider and take appropriate action for request to purchase (1) pickup truck on state contract not to exceed \$23,500.00 from Capital Expenditure Fund to replace 1995 pickup truck (RO # 22-0181) odometer: 190,000 miles.
- c. Consider authorizing County Judge to sign agreement with TxDOT for Hwy. Loop 567 project and take appropriate action.

2. Development and Compliance

- a. Public hearing to discuss and consider approval of a site development plan submitted by Edward and Linda Motley regarding the construction of a nine (9) building storage facility, to be located at 101 Killough Road, at the intersection of Highway 51, Granbury, Texas.
- b. Public hearing to discuss and consider approval of a site development plan submitted by Ben Anthony regarding the construction of two (2) buildings, to be an addition to the existing Pecan Storage Facility, located at 6951 Cottage Court, Granbury, Texas.
- c. Public hearing to discuss and consider approval of a site development plan submitted by Dr. Cydnee Thurman, DVM regarding the construction of two (2) buildings located at 3300 Cripple Creek Court, Granbury, Texas, to be utilized for on-site equine treatment.

B. BUDGET AND FINANCE (AUD)

- 1. Consider budget line item amendments for the period March 12, 2010 through April 1, 2010 and take appropriate action.
- 2. Consider payment of bills for the period March 12, 2010 through April 1, 2010 and take appropriate action.
- 3. Consider the Hood County Annual Financial Report, presented by Tom Masters, CPA, of **Kenemer, Masters & Lunsford, LLC, and take appropriate action.**

C. MISCELLANEOUS:

- 1. Fire Marshal:
 - a. Consider purchase of CAFS truck for Lipan VFD and take appropriate action.
 - b. Consider 1983 Ford fire engine as surplus and take appropriate action.
- 2. Consider allowing Warriors for Christ Prison/Motorcycle Ministry limited use the Courthouse parking lot over Labor Day weekend and take appropriate action.
- 3. Consider bond amount for Hood County Appraisal District's Chief Appraiser and staff and take appropriate action. **(TAC)**
- 4. Consider request from Kathy Davis, Secretary of the Optimist Club of Granbury, to allow auction fundraising event flyer to be interested in April 30th payroll check and take appropriate action. **(CP4)**
- 5. Consider request from Sheriff for replacement cameras for Narcotic and patrol cars and take appropriate action. **(SO)**
- 6. Consider request from Sheriff for a link on the County web site to a page for the Local Emergency Planning Committee (LEPC) and take appropriate action. **(SO)**
- 7. Consider and take appropriate action to accept revised and updated Procedures and Policies for Purchasing Manual for Hood County. **(PUR)**
- 8. Convene into executive session with the County Attorney to receive legal advice about litigation regarding a current lawsuit, pursuant to Texas Government Code section 551.071. **(CJ)**
- 9. Reconvene into open session to take any necessary action.
- 10. Convene in Executive Session for Personnel Matters pursuant to Section 551.074(a)(1) to deliberate the appointment, employment, duties, discipline, dismissal or (2) to hear a complaint about an officer or employee regarding the position of Development and Compliance Director. **(CP4)**
- 11. Reconvene into open session to take any necessary action.

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ADDENDUM:

C. MISCELLANEOUS:

12. Consider Hood County EMS presentation and request for financial support of countywide membership for citizens of Hood County and take appropriate action.

ADJOURN

THE FOLLOWING MEMBERS WERE PRESENT:

Andy Rash, County Judge
Mike Sympson, Commissioner Precinct 1
Dick Roan, Commissioner Precinct 2
Leonard Heathington, Commissioner Precinct 3
Steve Berry, Commissioner Precinct 4
Marlina Stuckey, Chief Deputy Clerk

REGARDING ITEM I: JUDGE RASH CALLED THE MEETING TO ORDER AT APPROXIMATELY 9:00 A.M. ON THE AFORESAID DATE OF APRIL 13, 2010.

REGARDING ITEM II: Mr. J. C. CAMPBELL GAVE THE INVOCATION

REGARDING ITEM III: COMMISSIONER ROAN LED THE PLEDGE OF ALLEGIANCE.

REGARDING ITEM IV: PLEDGE TO TEXAS LEAD BY COMMISSIONER BERRY.

REGARDING ITEM V: A PLAQUE WAS PRESENTED TO RONALD BLACKETT FROM THE TEXAS VETERANS COMMISSION IN RECOGNITION OF HIS YEARS OF SERVICE.

JUDGE RASH PRESENTED A DISTINGUISHED SERVICE AWARD FROM THE TEXAS HISTORICAL COMMISSION TO THE HOOD COUNTY HISTORICAL COMMISSION.

SERVICE AWARDS WERE PRESENTED TO THE FOLLOWING HOOD COUNTY EMPLOYEES:
PATRICK JONES 5 YEARS JOHNNY ROSE 15 YEARS GUY REYNOLDS 15 YEARS

REGARDING ITEM VI: NONE.

REGARDING ITEM VII: MOTION MADE BY COMMISSIONER SYMPSON TO APPROVE THE CONSENT AGENDA. SECONDED BY COMMISSIONER ROAN. ALL VOTED AYE. MOTION CARRIED. SEE ATTACHED.

REGARDING ITEM VIII.B.3: TOM MASTERS, CPA, WITH KENNEMER, MASTERS & LUNSFORD PRESENTED THE HOOD COUNTY ANNUAL FINANCIAL REPORT TO THE COURT. MR. MASTERS STATED THAT IT WAS AN EXCEPTIONAL REPORT WITH ONLY A FEW MINOR DISCREPANCIES. MOTION MADE BY COMMISSIONER HEATHINGTON TO ACCEPT THE FINANCIAL REPORT. SECONDED BY COMMISSIONER SYMPSON. ALL VOTED AYE. MOTION CARRIED. SEE ATTACHED.

REGARDING ITEM VIII.A.1.a: MOTION MADE BY COMMISSIONER ROAN TO ACCEPT THE WARRANTY DEED FOR RIGHT OF WAY TO EXTEND PIRATE DRIVE FROM US HIGHWAY 377 WEST TO FM 51 SOUTH. SECONDED BY COMMISSIONER SYMPSON. ALL VOTED AYE. MOTION CARRIED. SEE ATTACHED.

REGARDING ITEM VIII.A.1.b: MOTION MADE BY COMMISSIONER HEATHINGTON TO APPROVE THE PURCHASE OF ONE PICKUP TRUCK ON STATE CONTRACT NOT TO EXCEED \$23,500.00 FROM CAPITAL EXPENDITURE FUND. SECONDED BY COMMISSIONER SYMPSON. ALL VOTED AYE. MOTION CARRIED. COMMISSIONER BERRY REQUESTED A WORKSHOP TO BE SET TO DISCUSS REQUESTED PURCHASES FROM THE CAPITAL EXPENDITURE FUND 55.

REGARDING ITEM VIII.A.1.c: MOTION MADE BY COMMISSIONER BERRY TO APPROVE THE AGREEMENT WITH TXDOT FOR HWY LOOP 567 PROJECT AND TO AUTHORIZE JUDGE RASH TO SIGN SAME. SECONDED BY COMMISSIONER HEATHINGTON. ALL VOTED AYE. MOTION CARRIED. SEE ATTACHED.

REGARDING ITEM VIII.A.2.a: JUDGE RASH OPENED THE PUBLIC HEARING ON THE SITE DEVELOPMENT PLAN FOR A NINE BUILDING STORAGE FACILITY AT 101 KILLOUGH ROAD. NO COMMENT FROM PUBLIC. JUDGE RASH CLOSED PUBLIC HEARING. MOTION MADE BY COMMISSIONER BERRY TO APPROVE THE SITE DEVELOPMENT PLAN WITH THE ENTRANCE TO BE FROM KILLOUGH ROAD. SECONDED BY COMMISSIONER ROAN. ALL VOTED AYE. MOTION CARRIED.

REGARDING ITEM VIII.A.2.b: JUDGE RASH OPENED THE PUBLIC HEARING ON THE SITE DEVELOPMENT PLAN FOR THE CONSTRUCTION OF TWO ADDITIONAL BUILDINGS TO THE PECAN STORAGE FACILITY AT 6951 COTTAGE COURT. NO COMMENT FROM PUBLIC. JUDGE RASH CLOSED THE PUBLIC HEARING. MOTION MADE BY COMMISSIONER ROAN TO APPROVE THE SITE DEVELOPMENT PLAN. SECONDED BY COMMISSIONER HEATHINGTON. ALL VOTED AYE. MOTION CARRIED.

REGARDING ITEM VIII.A.2.c: JUDGE RASH OPENED THE PUBLIC HEARING ON THE SITE DEVELOPMENT PLAN BY DR. CYDNEE THURMAN, DVM, FOR CONSTRUCTION OF TWO BUILDINGS LOCATED AT 3300 CRIPPLE CREEK COURT TO BE UTILIZED FOR ON-SITE EQUINE TREATMENT. MARK PILAND, ATTORNEY REPRESENTING MR. AND MRS. FRANK O'DELL, ADDRESSED THE COURT AND REQUESTED THIS ITEM BE TABLED DUE TO THE FOLLOWING CONCERNS: ENVIRONMENTAL ISSUES, TRAFFIC AND DRUG ISSUES. SIGRETT KELLETT, A RESIDENT OF THE SUBDIVISION ACROSS THE ROAD FROM THE PROPOSED ANIMAL CLINIC, ADDRESSED THE COURT ON HER CONCERNS ABOUT THE SEWAGE SYSTEM, DUMP SITE, WASTE AND OTHER MATTERS. DR. CYDNEE THURMAN ALSO ADDRESSED THE COURT IN AN EFFORT TO EXPLAIN HER REASONS FOR BUYING THE PROPERTY FOR HER CLINIC AND TO HOPEFULLY ANSWER SOME OF THE CONCERNS OF HER NEIGHBORS. JUDGE RASH CLOSED THE PUBLIC HEARING. MOTION MADE BY COMMISSIONER ROAN FOR THIS ITEM TO GO BACK TO THE DEVELOPMENT COMMISSION FOR FURTHER REVIEW AT THEIR APRIL 22, 2010 MEETING AND THEN BE PRESENTED TO THE COURT WITH ANOTHER RECOMMENDATION. SECONDED BY COMMISSIONER BERRY. ALL VOTED AYE. MOTION CARRIED.

REGARDING ITEM VIII.B.1: MOTION MADE BY COMMISSIONER BERRY TO ONLY APPROVE ITEM #4 OF THE MONTHLY BUDGET LINE ITEM AMENDMENTS FOR THE PERIOD MARCH 12, 2010 THROUGH APRIL 1, 2010. SECONDED BY COMMISSIONER HEATHINGTON. ALL VOTED AYE. MOTION CARRIED. SEE ATTACHED.

REGARDING ITEM VIII: B.2: MOTION MADE BY COMMISSIONER HEATHINGTON TO APPROVE BILLS FOR THE PERIOD MARCH 12, 2010 THROUGH APRIL 1, 2010. SECONDED BY COMMISSIONER SYMPSON. ALL VOTED AYE. MOTION CARRIED. SEE ATTACHED.

REGARDING ITEM VIII.C.1.a: MOTION MADE BY COMMISSIONER BERRY TO APPROVE THE PURCHASE OF CAFS TRUCK FOR LIPAN VFD. SECONDED BY COMMISSIONER HEATHINGTON. ALL VOTED AYE. MOTION CARRIED.

REGARDING ITEM VIII.C.1.b: MOTION MADE BY COMMISSIONER BERRY TO APPROVE A 1983 FORD FIRE ENGINE TO BE DECLARED AS SURPLUS. SECONDED BY COMMISSIONER HEATHINGTON. ALL VOTED AYE. MOTION CARRIED.

REGARDING ITEM VIII.C.2: LISA AND DAVID KIMBRO ADDRESSED THE COURT REQUESTING PERMISSION FOR THE WARRIORS FOR CHRIST MINISTRY LIMITED USE OF THE COURTHOUSE PARKING LOT OVER LABOR DAY WEEKEND. MOTION MADE BY COMMISSIONER HEATHINGTON TO APPROVE THE REQUEST. SECONDED BY COMMISSIONER ROAN. ALL VOTED AYE. MOTION CARRIED.

REGARDING ITEM VIII.C.3: THE HOOD COUNTY TAX ASSESSOR COLLECTOR AND THE CHIEF APPRAISER FOR THE HOOD COUNTY APPRAISAL DISTRICT ADDRESSED THE COURT CONCERNING THE BOND AMOUNT FROM THE APPRAISAL DISTRICT TO HOOD COUNTY. MOTION MADE BY COMMISSIONER BERRY TO TABLE THIS ITEM UNTIL MORE INFORMATION FROM SURROUNDING COUNTIES CAN BE OBTAINED. SECONDED BY COMMISSIONER ROAN. ALL VOTED AYE. MOTION CARRIED.

REGARDING ITEM VIII.C.4: MOTION MADE BY COMMISSIONER BERRY TO APPROVE REQUEST FOR AUCTION FUNDRAISING EVENT FLYER FOR THE OPTIMIST CLUB OF GRANBURY TO BE INSERTED IN APRIL 30TH PAYROLL CHECKS. SECONDED BY COMMISSIONER ROAN. ALL VOTED AYE. MOTION CARRIED.

REGARDING ITEM VIII.C.5: MOTION MADE BY COMMISSIONER HEATHINGTON TO TABLE THIS ITEM UNTIL AFTER THE WORKSHOP MEETING ON THE CAPITAL EXPENDITURE FUND 55. SECONDED BY COMMISSIONER BERRY. ALL VOTED AYE. MOTION CARRIED.

REGARDING ITEM VIII.C.6: MOTION MADE BY COMMISSIONER BERRY TO APPROVE THE SHERIFF'S REQUEST FOR A LINK ON THE COUNTY WEB SITE TO A PAGE FOR THE LOCAL EMERGENCY PLANNING COMMITTEE. SECONDED BY COMMISSIONER SYMPSON. ALL VOTED AYE. MOTION CARRIED.

REGARDING ITEM VIII.C.7: MOTION MADE BY COMMISSIONER HEATHINGTON TO APPROVE THE REVISED AND UPDATED PROCEDURES AND POLICIES FOR THE HOOD COUNTY PURCHASING MANUAL AND TO APPROVE THE REQUEST FOR THE PURCHASING DEPARTMENT TO BE ALLOWED TO BRING TO THE COMMISSIONERS COURT THE OFFICES THAT DO NOT COMPLY WITH THE COUNTY PROCEDURES. SECONDED BY COMMISSIONER BERRY. ALL VOTED AYE. MOTION CARRIED. SEE ATTACHED.

REGARDING ITEM VIII.C.12: REPRESENTATIVES FOR THE EMS BOARD ADDRESSED THE COURT AND REQUESTED \$30,000.00 FROM THE COUNTY AS A SUBSIDY CONTRIBUTOR FOR THE FINANCIAL SUPPORT FOR THE FIRST YEAR OPERATION OF THE EMS MEMBERSHIP PROGRAM. MOTION MADE BY COMMISSIONER ROAN TO APPROPRIATE THE MONEY CONTINGENT ON THE COUNTY ATTORNEY'S OPINION IF THE COUNTY CAN LEGALLY BE A CONTRIBUTOR OR SUBSIDY. SECONDED BY COMMISSIONER HEATHINGTON. THE COUNTY JUDGE AND COMMISSIONERS ROAN, HEATHINGTON AND BERRY VOTED AYE. COMMISSIONER SYMPSON ABSTAINED. MOTION CARRIED. COMMISSIONER SYMPSON RECOMMENDED THE UN-USED MONEY FOR INSURANCE FOR THE 11 COUNTY EMPLOYEES THAT DO NOT TAKE THE COUNTY INSURANCE TO BE USED FOR THIS PAYMENT.

REGARDING ITEM VIII.C.8: JUDGE RASH ANNOUNCED THAT COURT WOULD GO INTO EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071. EXECUTIVE SESSION CONVENED AT 11:30 A.M.

REGARDING ITEM VIII.C.9: JUDGE RASH ANNOUNCED THAT COURT WOULD RECONVENE INTO OPEN SESSION AT 11:41 A.M. MOTION MADE BY COMMISSIONER HEATHINGTON FOR THE COUNTY TO PURSUE ATTORNEY FEES FROM SANDY TIDWELL GILMORE, RELATED TO THE LAWSUIT BY HER AGAINST HOOD COUNTY, AS RECOMMENDED BY THE COURT'S ATTORNEY. SECONDED BY COMMISSIONER ROAN. ALL VOTED AYE. MOTION CARRIED.

REGARDING ITEM VIII.C.10: JUDGE RASH ANNOUNCED THAT COURT WOULD GO INTO EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.074(a)(1). EXECUTIVE SESSION CONVENED AT 11:45 A.M.

REGARDING ITEM VIII.C.11: JUDGE RASH ANNOUNCED THAT COURT WOULD RECONVENE INTO OPEN SESSION AT 12:06 P.M. MOTION MADE BY COMMISSIONER ROAN TO ALLOW THE HOOD COUNTY PERSONNEL DIRECTOR TO MAKE A JOB OFFER AS DEVELOPMENT AND COMPLIANCE DIRECTOR TO MR. ROMAN. SECONDED BY COMMISSIONER HEATHINGTON. ALL VOTED AYE. MOTION CARRIED.

COURT ADJOURNED AT 12:08 P.M.

SALLY OUBRE, COUNTY CLERK

APPROVED:

ANDY RASH, COUNTY JUDGE