

STATE OF TEXAS

August 22, 2011

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 22nd day of August, 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 9:04 A.M., with all members present, and following the Invocation led by Pastor Danny Crosby, First Baptist Church of Cleburne, and the Pledge of Allegiance, the following items, having been lawfully posted and filed for record in the Office of the County Clerk on August 18, 2011 at 1:10 P.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

1. ANNOUNCEMENT: ON SEPTEMBER 26, 2011 AT 9:00 A.M. IN THE COMMISSIONER'S COURTROOM, JOHNSON COUNTY COURTHOUSE, CLEBURNE, TEXAS, THE COMMISSIONER'S COURT WILL HAVE A PUBLIC HEARING ON THE PROPOSED BUDGET FOR 2011-2012. THE COMMISSIONER'S COURT WILL ALSO VOTE ON THE BUDGET AND TAX RATE AT THAT SAME MEETING

Judge Harmon announced that on September 26, 2011 at 9:00 A.M. in the Commissioner's Courtroom, Johnson County Courthouse, Cleburne, Texas, the Commissioner's Court will have a public hearing on the Proposed Budget for 2011-2012 and will also vote on the Budget and Tax Rate at that same meeting.

2. PRESENTATION AND UPDATE FROM NTTA REGARDING SH 121 CHISHOLM TRAIL PARKWAY

Allen Clemson, Executive Director NTTA, updated the Commissioner's Court regarding SH 121 Chisholm Trail Parkway. In attendance were several representatives from NTTA and TxDOT.

V. PUBLIC PARTICIPATION

Jackie Davenport, representing Faith Fellowship Church, spoke on behalf of the Morris family. Mr. Davenport asked that the County consider waiving the septic permit fee. Charles Hood also spoke on behalf of the Morris family. Mr. Hood asked that the County consider waiving the development permit fee.

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

2. PRESENTATION AND UPDATE FROM NTTA REGARDING SH 121 CHISHOLM TRAIL PARKWAY

Maribel Chavez, District Engineer TxDOT, spoke about the partnership between TxDOT and NTTA and the importance of this project to this region.

VI. PRECEDING BUSINESS

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

- a. July 25, 2011 – Regular Session
- b. August 2, 2011 - Special Session

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the Commissioner's Court Minutes for July 25, 2011 and August 2, 2011.

All voted aye; motion carried.

2. CONSIDERATION OF REQUEST TO PAY BILLS

Comm. Thompson, seconded by Comm. Bailey, 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 #2011-28** APPROVING THE JOHNSON COUNTY TREASURER'S REPORT TO THE COMMISSIONER'S COURT

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve **Order #2011-28**, approving the Johnson County Treasurer's Report to the Commissioner's Court.

All voted aye; motion carried.

5. CONSIDERATION OF REVISED PLAT SHOWING LOT 115-R1, BLOCK 42, **THE RETREAT, PHASE 4**, BEING A REPLAT OF LOTS 114 AND 115

Comm. Bailey, seconded by Comm. Thompson, made a motion to approve the revised plat showing Lot 115-R1, Block 42, **The Retreat, Phase 4**, being a replat of Lots 114 and 115.

All voted aye; motion carried.

6. CONSIDERATION TO DECLARE ITEMS AS SURPLUS UNDER LOCAL GOVERNMENT CODE *SECTION 263.151(2)* AND PLACE ON RENE BATES AUCTION FOR SALE

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve to declare items as surplus under Local Government Code *Section 263.151(2)* and place on Rene Bates Auction for sale per the attached list.

All voted aye; motion carried.

7. CONSIDERATION OF **RFP #2011-421**-SUBSTANCE ABUSE COUNSELING SERVICES FOR JOHNSON AND SOMERVELL COUNTIES COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT



Comm. Beeson, seconded by Comm. Bailey, made a motion to approve **RFB #2011-421**-Substance Abuse Counseling Services for Johnson and Somervell Counties Community Supervision and Corrections Department with Helping Open People's Eyes, Inc. (HOPE).

All voted aye; motion carried.

VIII. NEW BUSINESS

4. CONSIDERATION OF ONE TIME WAIVER OF AEROBIC SEPTIC PERMIT FEE AND DEVELOPMENT PERMIT FEE FOR THE MORRIS FAMILY DUE TO STATE MANDATES FOR THEIR CHILD WITH CEREBRAL PALSY-PUBLIC WORKS DEPARTMENT

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve the one time waiver of aerobic septic permit fee and development permit fee for the Morris family due to State mandates for their child with Cerebral Palsy for the Public Works Department and is based on severe medical needs.

All voted aye; motion carried.

5. CONSIDERATION OF ISSUANCE OF THE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011

Comm. Bailey, seconded by Comm. Thompson, made a motion to approve the issuance of the General Obligation Refunding Bonds, Series 2011.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

2. CONSIDERATION OF RECURRING ITEMS CONCERNING MARKET SQUARE

Discussion. No Action.

4. CONSIDERATION OF AGREEMENT BETWEEN NORTH TEXAS TOLLWAY AUTHORITY AND JOHNSON COUNTY, TEXAS FOR RIGHT-OF-WAY PROCUREMENT

Comm. Bailey, seconded by Comm. Thompson, made a motion to approve the Agreement Between North Texas Tollway Authority and Johnson County, Texas for Right-of-Way Procurement and to give the County Judge the authorization to sign.

All voted aye; motion carried.

5. CONSIDERATION OF NAMING THE JOHNSON COUNTY SHERIFF'S ADMINISTRATION BUILDING "THE CLIFTON TAYLOR LAW ENFORCEMENT CENTER" IN HONOR OF FALLEN SHERIFF'S OFFICER CLIFTON TAYLOR

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve naming the Johnson County Sheriff's Administration Building "The Clifton Taylor Law Enforcement Center" in honor of fallen Sheriff's Officer Clifton Taylor.

All voted aye; motion carried.

6. CONSIDERATION OF LETTER TO UNITED HEALTHCARE ADVISING THAT HOLMES MURPHY & ASSOCIATES, INC. IS JOHNSON COUNTY'S CONSULTANT OF RECORD FOR HEALTH BENEFITS

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

All voted aye; motion carried.

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

Discussion. No Action.

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

Discussion. No Action.

The Commissioner's Court recessed at 10:23 A.M. and reconvened at 10:47 A.M. to consider the following:

VIII. NEW BUSINESS

12. CONSIDERATION OF AMENDED LONGEVITY PAY POLICY FOR COMMISSIONED SHERIFF'S OFFICE DEPUTIES-PERSONNEL

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve the amended Longevity Pay Policy for Commissioned Sheriff's Office Deputies.

All voted aye; motion carried.

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Thompson, seconded by Comm. Bailey, made a motion to advertise for bids/proposals for purchase of three (3) International trucks from BuyBoard for Precinct #1 at a cost of \$54,606.83 each for a total of \$163,811.49; emergency repairs for the bridge at Chambers Creek on CR 701 in Precinct #4 under Local Government Code *Section 262.024 (3)*, Discretionary Exemptions at a cost of \$17,700.00; RFB for a Perpetual Lease for Right-of-Way Easement across County property in Precinct #1; approval to send out the Time Management RFP; and approval to send out the Tower for EOC RFP.

All voted aye; motion carried.

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

a. Constable, Precinct #2-Vehicle Insurance Claim

Comm. Thompson, seconded by Comm. Stringer, made a motion to approve the Budget Amendment pursuant to the Local Government Code *Section 111.0106* for Constable, Precinct #2, Vehicle Insurance Claim for repair of damaged vehicle in the amount of \$3,978.00.

All voted aye; motion carried.

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

- a. General Non-Departmental-Market Square Project Fund
- b. Market Square Project Fund-Transfer From Other Funds
- c. Market Square Project Fund-Property Improvement
- d. Non-Departmental-Equipment-Capital
- e. Justice of the Peace, Precinct #3, Technology Fund-Dues & Conferences

Comm. Bailey, seconded by Comm. Thompson, made a motion to approve the Budget Amendments pursuant to the Local Government Code *Section 111.010-C* for General Non-Departmental, Market Square Project Fund to transfer to Market Square Project Fund in the amount of \$100,000.00; Market Square Project Fund, Transfer from Other Funds to transfer from General Fund to complete the project in the amount of \$100,000.00; Market Square Project Fund, Property Improvement for additional budget to complete the project in the amount of \$100,000.00; Non-Departmental, Equipment, Capital to purchase a truck for Emergency Management Department in the amount of \$27,362.00; Justice of the Peace, Precinct #3, Technology Fund, Dues & Conferences for a conference dated July 19-22, 2011 which was approved in Commissioner's Court on February 28, 2011 in the amount of \$851.00.

All voted aye; motion carried.

6. CONSIDERATION OF THE REGIONAL PUBLIC WORKS PROGRAM WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR FY2012

Comm. Stringer, seconded by Comm. Bailey, made a motion to deny the Regional Public Works Program with the North Central Texas Council of Governments for FY2012.

All voted aye; motion carried.

7. CONSIDERATION OF INTERLOCAL AGREEMENT BETWEEN THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS AND JOHNSON COUNTY FOR E9-1-1 SERVICE, EQUIPMENT, ADDRESSING AND DATABASE MAINTENANCE

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve the Interlocal Agreement Between the North Central Texas Council of Governments and Johnson County for E9-1-1 Service, Equipment, Addressing and Database Maintenance and to give the County Judge the authorization to sign.

All voted aye; motion carried.

8. CONSIDERATION OF OFFICIAL BOND AND OATH FOR ANGELA J. WOLFE, RESERVE DEPUTY CONSTABLE, PRECINCT #3

Comm. Stringer, seconded by Comm. Thompson, made a motion to approve the Official Bond and Oath for Angela J. Wolfe, Reserve Deputy Constable, Precinct #3.

All voted aye; motion carried.

9. CONSIDERATION OF TERMS OF COMMISSIONER'S COURT FOR FY 2011-2012

Comm. Bailey, seconded by Comm. Thompson, made a motion to approve the Terms of Commissioner's Court for FY 2011-2012 as presented and attached to these minutes.

All voted aye; motion carried.

10. CONSIDERATION OF HOLIDAYS FOR 2012

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve the Johnson County Holidays for 2012 as presented and attached to these minutes.

All voted aye; motion carried.

11. CONSIDERATION OF MEMORANDUM OF AGREEMENT BETWEEN THE TEXAS DEPARTMENT OF PUBLIC SAFETY AND JOHNSON COUNTY FOR FUNDING ASSISTANCE FOR PARTICIPATION IN THE REMOTELY HOSTED CRIMINAL INCIDENT BASED RECORDS MANAGEMENT SYSTEM (RRMS) PROJECT-SHERIFF'S DEPARTMENT

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the Memorandum of Agreement between the Texas Department of Public Safety and Johnson County for funding assistance for participation in the Remotely Hosted Criminal Incident Based Records Management System (RRMS) Project with the Sheriff's Department at no cost to the County for a one (1) year trial period and to give the County Judge the authorization to sign.

All voted aye; motion carried.

Commissioner Beeson exited the meeting at 11:42 A.M.

13. CONSIDERATION OF ASSET INVENTORY VERIFICATION FORMS FOR THE OUTGOING ELECTED OFFICIAL AND THE ASSET INVENTORY VERIFICATION FORM FOR THE INCOMING OFFICIAL-PRECINCT #2

Comm. Thompson, seconded by Comm. Bailey, made a motion to approve the Asset Inventory Verification Forms for the Outgoing Elected Official and the Asset Inventory Verification Form for the Incoming Official in Precinct #2.

All voted aye; motion carried.

14. ACKNOWLEDGEMENT OF RECEIPT OF PROPOSED BUDGETS OF THE JOHNSON & SOMERVELL COUNTIES COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT PURSUANT TO LOCAL GOVERNMENT CODE SECTION 140.004

The Commissioner's Court acknowledged the receipt of the Proposed Budgets of the Johnson & Somervell Counties Community Supervision and Corrections Department pursuant to Local Government Code *Section 140.004*.

Commissioner Beeson returned to the meeting at 11:44 A.M.

15. CONSIDERATION OF ORDER AND PETITION FOR THE NOVEMBER 8, 2011 LOCAL OPTION ELECTION:

a. City of Grandview

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the Order and Petition for the November 8, 2011 Local Option Election for the City of Grandview and to give the County Judge the authorization to sign the Petition.

All voted aye, motion carried.

b. City of Alvarado

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the Order and Petition for the November 8, 2011 Local Option Election for the City of Alvarado and to give the County Judge the authorization to sign the Petition.

c. City of Joshua

Comm. Thompson, seconded by Comm. Beeson, made a motion to approve the Order and Petition for the November 8, 2011 Local Option Election for the City of Joshua and to give the County Judge the authorization to sign the Petition.

All voted aye, motion carried.

16. CONSIDERATION OF THE NOVEMBER 8, 2011 CONSTITUTIONAL AMENDMENT ELECTION:

- a. Early Voting Ballot Board
- b. Early Voting Head Clerks
- c. Early Voting Locations
- d. Election Day Judges
- e. Election Day Voting Locations

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the Early Voting Ballot Board; Early Voting Head Clerks; Early Voting Locations; Election Day Judges and Election Day Voting Locations for the November 8, 2011 Constitutional Amendment Election.

All voted aye; motion carried.

17. CONSIDERATION OF THE NOVEMBER 8, 2011 CITY OF JOSHUA LOCAL OPTION ELECTION

- a. Election Day Judges
- b. Election Day Voting Locations

Comm. Thompson, seconded by Comm. Bailey, made a motion to approve the Election Day Judges and Election Day Voting Locations for the November 8, 2011 City of Joshua Local Option Election.

All voted aye; motion carried.

18. CONSIDERATION OF AUTOMARK VOTING MACHINE LEASE AGREEMENT BETWEEN JOHNSON COUNTY AND THE CITY OF KEENE

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the Automark Voting Machine Lease Agreement between Johnson County and the City of Keene.

All voted aye; motion carried.

15. CONSIDERATION OF ORDER AND PETITION FOR THE NOVEMBER 8, 2011 LOCAL OPTION ELECTION:

b. City of Alvarado

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the Order and Petition for the November 8, 2011 Local Option Election for the City of Alvarado and to give the County Judge the authorization to sign the Petition.

All voted aye; motion carried.

19. CONSIDERATION OF JUVENILE SERVICES PERSONNEL TO SERVE AS JUVENILE CASE MANAGERS TO ASSIST THE JUSTICE OF THE PEACE COURTS

Comm. Stringer, seconded by Comm. Bailey, made a motion to approve Juvenile Services personnel to serve as Juvenile Case Managers to assist the Justice of the Peace Courts.

All voted aye; motion carried.

IX. CONSENT AGENDA

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

All voted aye; motion carried.

The Commissioner's Court recessed at 11:53 A.M. and reconvened at 1:20 P.M. to consider the following:

X. WORKSHOP

The Commissioner's Court convened into Workshop Session at 1:20 P.M. to discuss Collection of Justice of the Peace Fines & Fees.

The Commissioner's Court recessed at 3:18 P.M. and reconvened into Open Session at 3:37 P.M.

BE IT KNOWN that Commissioner's Court met in Executive Session at 3:38 P.M. in accordance with Government Code *Sec. 551.071*-Consultation with Attorney-Contemplated Litigation-Personnel Matters.

The Commissioner's Court reconvened into Open Session at 4:07 P.M. to consider the following:

XI. EXECUTIVE SESSION

1. Government Code:

a. *Sec. 551.071*-Consultation with Attorney-Contemplated Litigation-Personnel Matters

Comm. Thompson, seconded by Comm. Bailey, made a motion to authorize the County Attorney's Office to negotiate a settlement in the personnel matter concerning David C. Nichols.

All voted aye; motion carried.

X. WORKSHOP

The Commissioner's Court convened into Workshop Session at 4:08 P.M. to discuss Redistricting and the Budget.

BE IT KNOWN that Commissioner's Court met in Executive Session at 5:42 P.M. in accordance with Government Code *Sec. 551.071*-Consultation with Attorney-Contemplated Litigation-Personnel Matters.

The Commissioner's Court reconvened into Open Session at 6:03 P.M. to consider the following:

XI. EXECUTIVE SESSION

1. Government Code:

- a. *Sec. 551.071*-Consultation with Attorney-Contemplated
Litigation-Personnel Matters

Comm. Beeson, seconded by Comm. Bailey, made a motion to authorize the County Judge to negotiate a settlement in the personnel matter concerning Debbie Elmore Brinkley.

All voted aye; motion carried.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 6:05 P.M.

Submitted by: _____
County Clerk
Becky Williams

Approved by: _____
County Judge
Roger Harmon