

STATE OF TEXAS

September 12, 2011

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 12th day of September, 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 9:05 A.M., with all members present, and following the Invocation led by Pastor Kenneth Coleman, First Baptist Church of Godley, and the Pledge of Allegiance, the following items, having been lawfully posted and filed for record in the Office of the County Clerk on September 8, 2011 at 11:51 A.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

1. **ANNOUNCEMENT: ON SEPTEMBER 26, 2011, IN THE COMMISSIONER'S COURTROOM, JOHNSON COUNTY COURTHOUSE, CLEBURNE, TEXAS, THE COMMISSIONER'S COURT WILL HOLD A PUBLIC HEARING ON THE 2011-2012 BUDGET, VOTE ON THE BUDGET 2011-2012, AND ADOPT A TAX RATE FOR THE 2011 TAX YEAR**

Judge Harmon announced that on September 26, 2011, in the Commissioner's Courtroom, Johnson County Courthouse, Cleburne, Texas, the Commissioner's Court will hold a Public Hearing on the 2011-2012 Budget, vote on the Budget 2011-2012, and adopt a Tax Rate for the 2011 Tax Year.

V. PUBLIC PARTICIPATION

Tony Salmon with Lillian VFD informed the Court that effective October 1, 2011 the Lillian Volunteer Fire Department will cease to exist due to a lack of volunteers. Mr. Salmon said the building and all apparatus will be turned over to the Emergency Services District #1 on October 1, 2011. Keith Kelly with ESD #1 said he and Mr. Salmon have been working on the transition. Mr. Kelly said it was important to keep the existing Lillian volunteers and to try to recruit new volunteers while working to reduce the number of missed calls in the Lillian area. He thanked Mr. Salmon for his years of service.

VI. PRECEDING BUSINESS

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

- a. August 8, 2011 – Regular Session
- b. August 15, 2011 – Special Session

Comm. Bailey, seconded by Comm. Thompson, made a motion to approve the Commissioner's Court Minutes for August 8, 2011 and August 15, 2011.

All voted aye; motion carried.

2. CONSIDERATION OF REQUEST TO PAY BILLS

Comm. Bailey, 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 AMENDED PLAT OF **FUTRELL ADDITION**, LOTS 1, AND 2, BLOCK 1, PURSUANT TO LOCAL GOVERNMENT CODE SECTION 212.011-PRECINCT #1

Comm. Bailey, seconded by Comm. Thompson, made a motion to approve the amended plat of [Futrell Addition](#), Lots 1, and 2, Block 1, pursuant to Local Government Code *Section 212.011* in Precinct #1.

All voted aye; motion carried.

5. CONSIDERATION OF RFP #2011-426-DOCUMENT MANAGEMENT

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

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

2. CONSIDERATION OF RECURRING ITEMS CONCERNING MARKET SQUARE

Discussion. No Action.

4. CONSIDERATION OF COMMITTEE FOR COUNTY WIDE SOFTWARE PROGRAM

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve to authorize Dan Milam, IT Director to form a committee for county wide software program.

All voted aye; motion carried.

2. CONSIDERATION OF RECURRING ITEMS CONCERNING MARKET SQUARE

Comm. Bailey, seconded by Comm. Thompson, made a motion to approve Phase 3 for Market Square which consists of ordering lighting, archways and flagpoles, not to exceed \$30,000.00 without the consent of Commissioner's Court.

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

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

Comm. Stringer, seconded by Comm. Bailey, made a motion to approve the [letter to United Healthcare](#) advising that Holmes Murphy & Associates, Inc. is Johnson County's Consultant of Record for health benefits which will benefit the County with a 2% savings on current insurance costs effective September 12, 2011.

All voted aye; motion carried.

VIII. NEW BUSINESS

32. CONSIDERATION OF RESOLUTION ADOPTING A REDISTRICTING PLAN FOR JOHNSON COUNTY, TEXAS

Comm. Stringer, seconded by Comm. Bailey, made a motion to approve the [Resolution Adopting a Redistricting Plan](#) for Johnson County, Texas, including Attachments A through E and to give the County Judge the authorization to sign.

All voted aye; motion carried.

12. CONSIDERATION OF JOHNSON COUNTY JUVENILE SERVICES JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM NON-RESIDENTIAL SERVICES CONTRACT-JUVENILE SERVICES DEPARTMENT

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve the Johnson County Juvenile Services [Juvenile Justice Alternative Education Program](#) Non-Residential Services Contract with Nathan Brown effective October 1, 2011 to September 30, 2012 and to give the County Judge the authorization to sign.

All voted aye; motion carried.

11. CONSIDERATION OF LETTER OF ENGAGEMENT WITH KENNEMER, MASTERS & LUNSFORD FOR AUDIT OF STATE FUNDS FOR FY2011-JUVENILE SERVICES DEPARTMENT

Comm. Thompson, seconded by Comm. Stringer, made a motion to approve the Letter of Engagement with [Kennemer, Masters & Lunsford](#) for Audit of State Funds for FY2011 for Juvenile Services Department and to give the County Judge the authorization to sign.

All voted aye; motion carried.

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Bailey, seconded by Comm. Thompson, made a motion to advertise for bids/proposals for culverts, culvert lining, pest control, bulk fuel and for Precinct #2, a 14 ft. dump truck bed.

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

Discussion. No Action.

The Commissioner's Court recessed at 10:38 A.M. and reconvened at 10:59 A.M. to consider the following:

VIII. NEW BUSINESS

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

a. Constable, Precinct #2-Vehicle & Equipment Maintenance

Comm. Thompson, seconded by Comm. Beeson, made a motion to approve the Budget Amendment pursuant to the Local Government Code *Section 111.0106* for Constable, Precinct #2, Vehicle & Equipment Maintenance for repair of damaged vehicle in the amount of \$1,652.00.

All voted aye; motion carried.

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

a. District Attorney Forfeiture-Part Time/Temporary Employee, Workers Compensation, FICA, and Medicare

b. Jury Non-Departmental-Office Supplies and Equipment Non-Capital

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the Budget Amendment pursuant to the Local Government Code *Section 111.010-C* for District Attorney Forfeiture, Part Time/Temporary Employee, Workers Compensation, FICA, and Medicare for additional hours worked that were not originally in the budget in the amount of \$5,100.00; Jury Non-Departmental, Office Supplies and Equipment Non-Capital to create office supply budget and purchase crowd control poles in the amount of \$1,735.00

All voted aye; motion carried.

4. CONSIDERATION OF DESIGNATING THE COUNTY JUDGE THE AUTHORITY TO MAKE A DETERMINATION TO RESCIND A BURN BAN ORDER PURSUANT TO LOCAL GOVERNMENT CODE SECTION 352.081

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve designating the County Judge the authority to make a determination to rescind a Burn Ban Order pursuant to Local Government Code *Section 352.081*.

All voted aye; motion carried.

5. CONSIDERATION OF **ORDER #2011-30-DESIGNATING THE COUNTY JUDGE THE AUTHORITY TO MAKE A DETERMINATION TO RESCIND A BURN BAN ORDER**

Comm. Stringer, seconded by Comm. Thompson, made a motion to approve [Order #2011-30](#), Designating the County Judge the Authority to Make a Determination to Rescind a Burn Ban Order.

All voted aye; motion carried.

6. CONSIDERATION OF **ORDER #2011-21-PROHIBITION OF OUTDOOR BURNING**

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve to rescind [Order #2011-21](#), Prohibition of Outdoor Burning, which is currently in effect through October 22, 2011.

All voted aye; motion carried.

7. CONSIDERATION OF **ORDER #2011-29-PROHIBITION OF OUTDOOR BURNING**

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve [Order #2011-29](#), Prohibition of Outdoor Burning, which includes the wording to allow the County Judge to rescind.

All voted aye; motion carried.

8. CONSIDERATION OF DUMAS LAND SURVEYING TO SURVEY PROPERTY TO BE DONATED BY LAND OWNERS TO REROUTE APPROXIMATELY 0.2 MILES OF CR 1123 NEAR FM 1434 TO PROVIDE A SAFER ENTRANCE/EXIT TO AND FROM SH 67 AS CONSENTED TO BY TXDOT-PRECINCT #1

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

All voted aye; motion carried.

9. CONSIDERATION OF INTERLOCAL AGREEMENT FOR PARTICIPATION IN FORT WORTH'S ENVIRONMENTAL COLLECTION CENTER HOUSEHOLD HAZARDOUS WASTE PROGRAM FY 2012

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the Interlocal Agreement for Participation in [Fort Worth's Environmental Collection Center Household Hazardous Waste Program](#) FY 2012, the voucher, to give the County Judge the authorization to initial 7.E.2 on page 14 and authorization for the County Judge and County Attorney to sign.

All voted aye; motion carried.

10. CONSIDERATION OF METROPLEX OFFICE SUPPLIES MECHANICAL SERVICE AGREEMENT-DISTRICT CLERK'S OFFICE

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve [Metroplex Office Supplies Mechanical Service Agreement](#) for the District Clerk's Office and to give the County Judge the authorization to sign.

All voted aye; motion carried.

28. CONSIDERATION OF PAYING CASH TO JURORS ON THE FIRST DAY SERVED

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve [paying cash to jurors on the first day served](#).

All voted aye; motion carried.

13. CONSIDERATION OF PROFESSIONAL CONSULTING SERVICES WITH AVERITT CONSULTING

Comm. Bailey, seconded by Comm. Stringer, made a motion to deny the Professional Consulting Services with Averitt Consulting.

All voted aye, motion carried.

14. CONSIDERATION OF MOVING THE PRECINCT #2 OFFICE FROM THE RON HARMON JOHNSON COUNTY SUB-COURTHOUSE TO THE SHOP LOCATION AT 3425 CR 920, CROWLEY, TEXAS 76036-PRECINCT #2

Comm. Thompson, seconded by Comm. Bailey, made a motion to approve moving the Precinct #2 Office from the Ron Harmon Johnson County Sub-Courthouse to the Shop location at 3425 CR 920, Crowley, Texas 76036 in Precinct #2.

All voted aye; motion carried.

15. CONSIDERATION OF CHANGING THE NAME OF THE JOHNSON COUNTY LAW ENFORCEMENT CENTER (JAIL) TO THE JOHNSON COUNTY CORRECTIONS CENTER

Comm. Beeson, seconded by Comm. Thompson, made a motion to approve of changing the name of the Johnson County Law Enforcement Center (Jail) to the Johnson County Corrections Center.

All voted aye; motion carried.

16. CONSIDERATION OF JOHN TYLER BERMEA AS RESERVE DEPUTY CONSTABLE-CONSTABLE, PRECINCT #4

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve [John Tyler Bermea as Reserve Deputy Constable for Constable, Precinct #4.](#)

All voted aye; motion carried.

Commissioner Beeson exited the meeting at 11:44 A.M.

17. CONSIDERATION TO ACCEPT TEXAS TASK FORCE OF INDIGENT DEFENSE FORMULA GRANT #212-11-126 FOR FY 2011 IN THE AMOUNT OF \$73,044.00

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve to accept [Texas Task Force of Indigent Defense Formula Grant #212-11-126 for FY 2011 in the amount of \\$73,044.00.](#)

All voted aye; motion carried.

18. CONSIDERATION TO ACCEPT AN ADDITIONAL PAYMENT OF \$21,016.00 FROM THE TEXAS TASK FORCE OF INDIGENT DEFENSE FORMULA GRANT FOR FY 2011

Comm. Stringer, seconded by Comm. Bailey, made a motion to approve to accept an [additional payment of \\$21,016.00 from the Texas Task Force of Indigent Defense Formula Grant for FY 2011.](#)

All voted aye; motion carried.

Commissioner Beeson returned to the meeting at 11:46 A.M.

19. CONSIDERATION TO ACCEPT GRANT ACTIVITY FUNDS FROM THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) FOR THE LOW INCOME REPAIR ASSISTANCE, RETROFIT, AND ACCELERATED VEHICLE RETIREMENT PROGRAM (LIRAP) FOR FY 2012 IN THE AMOUNT OF \$59,048.00

Comm. Bailey, seconded by Comm. Thompson, made a motion to approve to accept [Grant Activity Funds from the Texas Commission on Environmental Quality \(TCEQ\)](#) for the Low Income Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP) for FY 2012 in the amount of \$59,048.00 and to give the County Judge the authorization to sign.

All voted aye; motion carried.

20. CONSIDERATION OF SAVNS MAINTENANCE GRANT CONTRACT NO. 1224682 BETWEEN THE OFFICE OF THE ATTORNEY GENERAL AND JOHNSON COUNTY FOR THE STATE FISCAL YEAR 2012 FOR THE VICTIM NOTIFICATION SYSTEM

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the [SAVNS Maintenance Grant Contract No. 1224682](#) between the Office of the Attorney General and Johnson County for the State Fiscal Year 2012 for the Victim Notification System at no cost to the County and to give the County Judge the authorization to sign.

All voted aye; motion carried.

21. CONSIDERATION TO ACCEPT THE EDWARD BYRNE MEMORIAL JUSTICE GRANT

Comm. Thompson, seconded by Comm. Stringer, made a motion to approve to accept the [Edward Byrne Memorial Justice Grant](#) for Johnson County Emergency Preparedness Training Cell Phone Forensics in the amount of \$16,708.00 and at no cost to the County.

All voted aye; motion carried.

22. CONSIDERATION OF RIDER INCREASING BOND FOR DEBBIE RICE, TREASURER PURSUANT TO AMENDED LOCAL GOVERNMENT CODE SECTION 4, CHAPTER 83 SECTIONS 83.008 AND 83.009

Comm. Thompson, seconded by Comm. Beeson, made a motion to approve the [Rider Increasing Bond for Debbie Rice](#), Treasurer pursuant to amended Local Government Code *Section 4, Chapter 83 Sections 83.008 and 83.009*.

All voted aye; motion carried.

23. CONSIDERATION OF RIDER INCREASING PENALTY OF BOND FOR CLAUDIA GAARZ, DEPUTY TREASURER PURSUANT TO AMENDED LOCAL GOVERNMENT CODE SECTION 4, CHAPTER 83 SECTIONS 83.008 AND 83.009

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the [Rider Increasing Penalty of Bond for Claudia Gaarz](#), Deputy Treasurer pursuant to amended Local Government Code *Section 4, Chapter 83 Sections 83.008 and 83.009*.

All voted aye; motion carried.

24. CONSIDERATION OF RIDER INCREASING PENALTY OF BOND FOR ROY GIDDENS, ASSISTANT DEPUTY TREASURER PURSUANT TO AMENDED LOCAL GOVERNMENT CODE SECTION 4, CHAPTER 83 SECTIONS 83.008 AND 83.009

Comm. Thompson, seconded by Comm. Bailey, made a motion to approve the [Rider Increasing Penalty of Bond for Roy Giddens](#), Assistant Deputy Treasurer pursuant to amended Local Government Code *Section 4, Chapter 83 Sections 83.008 and 83.009*.

All voted aye; motion carried.

25. CONSIDERATION OF APPOINTMENTS TO THE JOHNSON COUNTY HISTORICAL COMMISSION:

- a. [William Schreiber, Alvarado, Texas](#)
b. [Charlene Garner, Cleburne, Texas](#)

Comm. Bailey, seconded by Comm. Thompson, made a motion to approve the appointments of William Schreiber of Alvarado, Texas and Charlene Garner of Cleburne, Texas to the Johnson County Historical Commission.

All voted aye; motion carried.

26. CONSIDERATION OF OFFICIAL BOND AND OATH FOR JOHN TYLER BERMEA, RESERVE DEPUTY CONSTABLE, PRECINCT #4

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve the [Official Bond and Oath for John Tyler Bermea](#), Reserve Deputy Constable for Precinct #4.

All voted aye; motion carried.

27. CONSIDERATION OF INITIATIVE SSI-SUPPLEMENTAL SECURITY INCOME PROGRAM WITH JUSTICE BENEFITS, INC. (JBI)-SHERIFF'S OFFICE

Comm. Thompson, seconded by Comm. Beeson, made a motion to approve the [Initiative SSI-Supplemental Security Income Program](#) with Justice Benefits, Inc. (JBI) for the Sheriff's Office and to give the County Judge the authorization to sign.

All voted aye; motion carried.

29. CONSIDERATION OF SERVICE AGREEMENT, NON-HAZARDOUS WASTES, WITH WASTE MANAGEMENT OF TEXAS, INC. FOR PRECINCT #2

Comm. Thompson, seconded by Comm. Bailey, made a motion to approve the [Service Agreement, Non-Hazardous Wastes, with Waste Management of Texas, Inc.](#) for Precinct #2 with a monthly fee of \$111.30 and to give the County Judge the authorization to make the initialed changes and to sign the contract.

All voted aye; motion carried.

30. CONSIDERATION OF AGREEMENT FOR ARBITRAGE REBATE COMPLIANCE SERVICES BETWEEN JOHNSON COUNTY, TEXAS AND FIRST SOUTHWEST ASSET MANAGEMENT, INC.

Comm. Thompson, seconded by Comm. Bailey, made a motion to approve the [Agreement for Arbitrage Rebate Compliance Services](#) between Johnson County, Texas and First Southwest Asset Management, Inc. at an annual cost of \$1,200.00 and to give the County Judge the authorization to sign.

All voted aye; motion carried.

31. CONSIDERATION OF PURCHASE OF TWO (2) HAUL TRUCKS AT RITCHIE BROTHERS AUCTION ON OCTOBER 4-5, 2011, IN AN AMOUNT NOT TO EXCEED \$70,000.00 FOR BOTH PIECES OF EQUIPMENT AND TO PAY PRIOR TO THE NEXT COMMISSIONER'S COURT-PRECINCT #2

Comm. Thompson, seconded by Comm. Bailey, made a motion to approve to [purchase two \(2\) haul trucks at Ritchie Brothers Auction](#) on October 4-5, 2011, in an amount not to exceed \$70,000.00 for both pieces of equipment and to pay prior to the next Commissioner's Court from the FY 2012 budget for Precinct #2.

All voted aye; motion carried.

IX. [CONSENT AGENDA](#)

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

All voted aye; motion carried.

The Commissioner's Court recessed at 12:05 P.M. and reconvened at 1:28 P.M. to consider the following:

X. [WORKSHOP](#)

The Commissioner's Court convened into Workshop Session at 1:28 P.M. to discuss the [Budget](#) and Discuss Tax Rate.

BE IT KNOWN that Commissioner's Court met in Executive Session at 2:00 P.M. in accordance with Government Code *Sec. 551.071*-Consultation with Attorney-Contemplated Litigation: Compromise Settlement Agreement and Release of all Claims, Debbie Elmore Brinkley, Notice of Claim from Attorney Robert L. Ward; and *Sec. 551.074*-Personnel, Randy Gillespie, Personnel Director.

The Commissioner's Court reconvened into Open Session at 2:40 P.M. to consider the following:

XI. EXECUTIVE SESSION

1. Government Code:

a. *Sec. 551.071*-Consultation with Attorney-Contemplated Litigation:

(1) Compromise Settlement Agreement and Release of all Claims-Debbie Elmore Brinkley

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the Compromise Settlement Agreement and Release of All Claims in the personnel matter concerning Debbie Elmore Brinkley and to give the County Judge the authorization to sign.

All voted aye; motion carried.

(2) Notice of Claim from Attorney Robert L. Ward

Comm. Thompson, seconded by Comm. Bailey, made a motion to approve the Compromise Settlement Agreement with Robert L. Ward on behalf of Randy Elmore in the amount of \$4,500.00 and to give the County Attorney the authorization to sign.

All voted aye; motion carried.

b. *Sec. 551.074*-Personnel

(1) Randy Gillespie, Personnel Director

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve the annual salary of Randy Gillespie, Personnel Director to be increased from \$71,650.00 to \$72,560.00 effective September 12, 2011.

All voted aye; motion carried.

VIII. NEW BUSINESS

28. CONSIDERATION OF PAYING CASH TO JURORS ON THE FIRST DAY SERVED

Comm. Bailey, seconded by Comm. Beeson, made an amended motion to approve paying cash to jurors on the first day served effective October 1, 2011.

All voted aye; motion carried.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 2:45 P.M.

Submitted by: _____
County Clerk
Becky Williams

Approved by: _____
County Judge
Roger Harmon