

STATE OF TEXAS

February 25, 2013

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 25th day of February, 2013, 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 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 21, 2013 at 8:12 A.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

V. PUBLIC PARTICIPATION

None.

VI. PRECEDING BUSINESS

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

- a. January 28, 2013 – Regular Session
- b. February 4, 2013 – Special Session

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the Commissioner's Court Minutes for January 28, 2013 and February 4, 2013.

All voted aye; motion carried.

2. CONSIDERATION OF [REQUEST TO PAY BILLS](#)

Comm. Bailey, seconded by Comm. Howell, 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 #2013-06** - "APPROVING THE JOHNSON COUNTY TREASURER'S REPORT TO THE COMMISSIONER'S COURT"

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve [Order #2013-06](#), "Approving the Johnson County [Treasurer's Report](#) to the Commissioner's Court".

All voted aye; motion carried.

VIII. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

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

All voted aye; motion carried.

2. CONSIDERATION OF **FY 2013** BUDGET AMENDMENT PURSUANT TO THE LOCAL GOVERNMENT CODE [SECTION 111.010](#) for:

- a. County Projects, Non-Departmental-Personnel Salaries \$5,000.00, FICA \$1,000.00, Medicare \$1,000.00 and Retirement \$1,000.00
- b. S.T.O.P Operations-Equipment Capital \$22,063.00
- c. General, Non-Departmental-Child Advocacy Center \$15,000.00
- d. General, Sheriff Jail-Jail Management Building Reimbursement \$325,000.00
- e. General Fund-Child Safety Fee \$138,000.00 and Child Safety Program \$138,000.00

Comm. Bailey, seconded by Comm. Howell, made a motion to approve **FY 2013** Budget Amendment pursuant to the Local Government Code *Section 111.010* for County Projects, Non-Departmental, Personnel Salaries in the amount of \$5,000.00, FICA in the amount of \$1,000.00, Medicare in the amount of \$1,000.00 and Retirement in the amount of \$1,000.00 for the total amount of \$8,000.00 to create a budget for personnel related line items; S.T.O.P. Operations, Equipment Capital in the amount of \$22,063.00 to create budget for vehicle requested in FY 2012 but not delivered and paid for until October 10, 2012 (FY 2013); General, Non-Departmental, Child Advocacy Center in the amount of \$15,000.00 to create budget for payment for Fiscal Year 2011-2012 funding not requested prior to September 30, 2012 which was approved in Commissioner's Court on February 11, 2013; General, Sheriff Jail, Jail Management Building Reimbursement in the amount of \$325,000.00 to create budget to record payments toward the building reimbursement from Southwestern Correctional, LLC; and General Fund, Child Safety Fee in the amount of \$138,000.00 and Child Safety Program in the amount of \$138,000.00 to create budget for the revenue and expense line items for the newly created Child Safety Fee as authorized by statute, CCP104.014(g).

All voted aye; motion carried.

3. CONSIDERATION OF **ORDER #2013-07** – “TAX ABATEMENT AGREEMENT WITH DELEK RENEWABLES, LLC”

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve [**Order #2013-07**](#), [“Tax Abatement Agreement with Delek Renewables, LLC”](#) at 40% for a period of three years and to give the County Judge the authorization to sign the agreement.

All voted aye; motion carried.

4. ACKNOWLEDGEMENT OF INTENT TO BEGIN FUNDING NECESSARY EXPENDITURES FOR CONSTRUCTION OF THE ALVARADO SUB-COURTHOUSE PRIOR TO THE ISSUANCE OF DEBT FOR CONSTRUCTION

The Commissioner's Court acknowledged the intent to begin funding necessary expenditures for construction of the Alvarado Sub-Courthouse prior to the issuance of debt for construction.

5. CONSIDERATION OF AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT #P00006 WITH ICE TO CLOSE OUT THE CONTRACTUAL INSTRUMENT

Comm. Bailey, seconded by Comm. Howell, made a motion to approve the [Amendment of Solicitation/Modification of Contract #P00006](#) with ICE to close out the contractual instrument and to give the County Judge the authorization to sign.

All voted aye; motion carried.

6. CONSIDERATION OF TRANSFER OF RADIOS FROM THE SHERIFF'S OFFICE TO CONSTABLES-PURCHASING DEPARTMENT

Comm. Bailey, seconded by Comm. Howell, made a motion to approve the [transfer of radios from the Sheriff's Office to Constables](#) for one radio per Constable's Office.

All voted aye; motion carried.

7. CONSIDERATION OF SURPLUS VEHICLE TO BE TRANSFERRED TO PURCHASING FOR ASSET TAGGING AND OTHER TASKS-PURCHASING DEPARTMENT

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve of [surplus vehicle to be transferred to Purchasing](#) for asset tagging and other tasks.

All voted aye; motion carried.

8. CONSIDERATION OF RACIAL PROFILING REPORT-CONSTABLE, PRECINCT #3

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

All voted aye; motion carried.

9. CONSIDERATION OF RACIAL PROFILING REPORT-CONSTABLE, PRECINCT #4

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

All voted aye; motion carried.

10. CONSIDERATION OF RESOLUTION STRONGLY OPPOSING THE PASSAGE OF HB 958 WHICH PROPOSES TO REDUCE THE INTEREST RATE ON ALL TCDRS FUNDS FROM 7% TO 5%

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

Comm. Kenny Howell	Aye
Comm. Jerry Stringer	Aye
Comm. Don Beeson	Aye
Comm. Rick Bailey	Nay
County Judge Roger Harmon	Nay

Motion carried.

IX. CONSENT AGENDA

Comm. Howell, 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 9:56 A.M. and reconvened at 10:12 A.M. to consider the following:

VII. UNFINISHED BUSINESS

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

Comm. Bailey, seconded by Comm. Howell, made a motion to approve of authorizing the writing of joint checks for this project for the retainage amount contingent on the approval of Bill Moore, County Attorney and Dale Hanna, District Attorney.

All voted aye; motion carried.

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

a. Consideration of Record of Cost Issues

Comm. Bailey, seconded by Comm. Howell, made a motion to approve the record of cost issues.

All voted aye; motion carried.

b. Consideration of AIA Document G701-2001 - Change Order Number 001 Regarding the Johnson County Adult Probation Building in the Amount of \$108,116.27

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve AIA Document G701-2001, Change Order Number 001 regarding the Johnson County Adult Probation Building in the amount of \$108,116.27 and to give the County Judge the authorization to sign.

All voted aye; motion carried.

4. CONSIDERATION OF ARCHITECTURAL DESIGN, SPECIFICATION, FINANCIAL PROGRAM REQUIREMENTS, AND CONTRACTS FOR THE ALVARADO SUB-COURTHOUSE BUILDING

Discussion. No Action.

5. CONSIDERATION OF AMENDED **ORDER #2012-17**- "TO GRANT AN EXEMPTION FROM THE REQUIREMENTS OF SECTION 262.023 OF THE LOCAL GOVERNMENT CODE FOR THE PROFESSIONAL SERVICE OF AN ARCHITECT PURSUANT TO SECTION 262.024 OF THE LOCAL GOVERNMENT CODE AND TO INCLUDE SECTION 2254.003 OF THE GOVERNMENT CODE AS A BASIS TO SELECT AN ARCHITECT"

Comm. Stringer, seconded by Comm. Bailey, made a motion to approve the [Amended Order #2012-17](#), “To Grant an Exemption from the Requirements of *Section 262.023* of the Local Government Code for the Professional Service of an Architect Pursuant to *Section 262.024* of the Local Government Code and to Include *Section 2254.003* of the Government Code as a Basis to Select an Architect”.

All voted aye; motion carried.

6. CONSIDERATION OF AMENDMENT AND ATTACHMENT A TO THE SUBSCRIBER AGREEMENT ENTERED INTO BY AND BETWEEN TLO, LLC AND JOHNSON COUNTY SHERIFF’S OFFICE FOR ONLINE BACKGROUND SEARCHES-SHERIFF’S OFFICE

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the [Amendment and Attachment A](#) to the Subscriber Agreement entered into by and between TLO, LLC and Johnson County Sheriff’s Office for Online Background Searches and to give the County Judge the authorization to sign.

All voted aye; motion carried.

VIII. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Stringer, seconded by Comm. Beeson, made an amended motion to advertise for bids/proposals for a one-step process Construction Manager at Risk (CMAR) for the Alvarado Sub-Courthouse Building.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

2. CONSIDERATION OF RECURRING ITEMS CONCERNING MARKET SQUARE

- a. Consideration of Appointment of John Percifield as Representative for the Johnson County Historical Commission in Negotiations with the City Manager of the City of Cleburne Related to a Proposed Agreement for the City of Cleburne to Maintain and Operate the Johnson County Market Square

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve the [Appointment of John Percifield as Representative](#) for the Johnson County Historical Commission in negotiations with the City Manager of the City of Cleburne related to a proposed agreement for the City of Cleburne to maintain and operate the Johnson County Market Square.

All voted aye; motion carried.

X. WORKSHOP

The Commissioner's Court convened into Workshop Session at 10:56 A.M. to discuss [Proposed Re-Plat of Crystal Palace Estates Phase II](#).

The Commissioner's Court reconvened into Open Session at 11:56 A.M., but immediately went back to Workshop Session.

The Commissioner's Court recessed at 11:56 A.M. and reconvened at 1:35 P.M.

X. WORKSHOP

The Commissioner's Court reconvened into Workshop Session at 1:35 P.M. to discuss Increase of Fees for Hauling and Equipment Related to Interlocal Agreements.

The Commissioner's Court reconvened into Open Session at 1:58 P.M.

BE IT KNOWN that Commissioner's Court met in Executive Session at 1:59 P.M. in accordance with Government Code, *Sec. 551.074*, Personnel Matters, Indigent Health Care Department, (1) Shannon Taylor, Administrator IHC, Position #A02-001, (2) Rachael Smithey, Assistant Administrator, Position #F39-001 and Personnel Matters, Veteran Services, (1) William Bailey, Assistant Veteran Service Officer, Position #F19-001.

The Commissioner's Court reconvened into Open Session at 5:40 P.M.

XI. EXECUTIVE SESSION

1. Government Code:

a. *Sec. 551.074*-Personnel Matters- Indigent Health Care Department

(1) Shannon Taylor – Administrator IHC, Position #A02-001

Comm. Stringer, seconded by Comm. Howell, made a motion to terminate Shannon Taylor, Administrator IHC, Position #A02-001 effective immediately, instruct Dan Milam, IT Director to immediately cut off her access to all computers in the County and she not be allowed into her office to retrieve any personal property until she is escorted by another Johnson County employee.

All voted aye; motion carried.

(2) Rachael Smithey – Assistant Administrator, Position #F39-001

Comm. Beeson, seconded by Comm. Bailey, made a motion to place Rachael Smithey, Assistant Administrator, Position #F39-001 on administrative leave without pay for three (3) days effective immediately, on her first day back to work she will be given a list by Roger Harmon, County Judge as to what her duties are and what is expected of her, she will be placed on probation for ninety (90) days, and the locks to Indigent Health Care office be changed as soon as possible and new keys issued upon Rachael Smithey's return to work.

All voted aye; motion carried.

b. *Sec. 551.074-Personnel Matters- Veteran Services*

- (1) William Bailey – Assistant Veteran Services Officer,
Position #F19-001

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

All voted aye; motion carried.

There being no further business before the Court concerning this agenda, Commissioner's
Court adjourned at 5:44 P.M.

Submitted by: _____
County Clerk
Becky Williams

Approved by: _____
County Judge
Roger Harmon