

STATE OF TEXAS

April 13, 2009

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 13th day of April 2009, 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 Charles Garrett with the Christian Heritage Foundation and the Pledge of Allegiance, the following items, having been lawfully posted and filed for record in the Office of the County Clerk on April 8, 2009 at 11:51 A.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

1. PRESENTATION OF LENGTH OF SERVICE AWARDS TO JOHNSON COUNTY EMPLOYEES

Employees of Johnson County were recognized for their service to the County and employees were given Length of Service pins, as attached to these minutes.

2. PROCLAMATION FOR "CHILD ABUSE PREVENTION MONTH"

The Commissioner's Court proclaimed April, 2009 as "Child Abuse Prevention Month".

3. PROCLAMATION FOR "SEXUAL ASSAULT AWARENESS MONTH"

The Commissioner's Court proclaimed April, 2009 as "Sexual Assault Awareness Month".

4. PROCLAMATION "FIRST BAPTIST CHURCH OF GODLEY 130TH YEAR CELEBRATION"

The Commissioner's Court proclaimed April 19, 2009 as "First Baptist Church, Godley, Texas Day".

V. PUBLIC PARTICIPATION

None.

VI. PRECEDING BUSINESS

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

- a. February 23, 2009-Regular Session
- b. March 9, 2009-Regular Session
- c. March 16, 2009-Special Session
- d. March 24, 2009-Special Session
- e. April 2, 2009-Special Session

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Commissioner's Court Minutes for February 23, 2009, March 9, 2009, March 16, 2009, March 24, 2009 and April 2, 2009 as submitted by the County Clerk.

All voted aye; motion carried

2. CONSIDERATION OF REQUEST TO PAY BILLS

Comm. Matthews, seconded by Comm. Beeson, 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 TO AWARD RFP'S:

- a. **RFP #2009-225-Video Arraignment/Teleconferencing System**

Comm. Matthews, seconded by Comm. Beeson, made a motion to award **RFP #2009-225** for Video Arraignment/Teleconferencing System for the lease of this equipment for the Guinn Justice Center, Jail and Justice of the Peace, Precinct #1 to the Vendor, International Video-Conferencing Inc. with a total monthly lease payment for 48 months in the amount of \$2,259.00 per month with 50 percent of the payment from the Technology Fund, Justice of the Peace, Precinct #1 and 50 percent from the 939 Fund.

All voted aye; motion carried.

VIII. NEW BUSINESS

4. CONSIDERATION TO REIMBURSE LAW LIBRARY FUND FOR PHOTO COPIERS TRANSFERRED TO THE COUNTY CLERK'S OFFICE AND APPOINT ELECTED OFFICIAL AS PERSON IN CHARGE OF THE LAW LIBRARY

County Judge Roger Harmon, seconded by Comm. Beeson, made a motion to reimburse the Law Library Fund for photo copiers transferred to the County Clerk's Office in the amount of \$23,373.36 from the Non-Departmental 010-510-5570 fund and to appoint Judge William Bosworth, 413th District Judge, as the person in charge of the Law Library.

All voted aye; motion carried.

17. CONSIDERATION TO ADD TWO (2) DOORS TO THE KEY CARD SYSTEM AND REPLACE A CAMERA IN THE GUINN JUSTICE CENTER

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve to add two (2) doors to the key card system (District Clerk's Office) and replace a camera in the Guinn Justice Center and to be paid from the Courthouse Security Fund.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

3. CONSIDERATION OF ARCHITECTURAL DESIGN, SPECIFICATION, FINANCIAL PROGRAM REQUIREMENTS AND CONTRACTS FOR EXPANSION OF NORTH AND SOUTH ENDS OF THE 3RD FLOOR AT THE GUINN JUSTICE CENTER

a. Hawk Electronics to Move Equipment in Preparation of Construction on the Third Floor of the Guinn Justice Center

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve Hawk Electronics to move equipment in preparation of construction on the third floor of the Guinn Justice Center to be paid from the Building Maintenance Fund.

All voted aye; motion carried.

VIII. NEW BUSINESS

4. CONSIDERATION TO REIMBURSE LAW LIBRARY FUND FOR PHOTO COPIERS TRANSFERRED TO THE COUNTY CLERK'S OFFICE AND APPOINT ELECTED OFFICIAL AS PERSON IN CHARGE OF THE LAW LIBRARY

County Judge Roger Harmon, seconded by Comm. Beeson, made an amended motion to reimburse the Law Library Fund 014-440 for photo copiers transferred to the County Clerk's office in the amount of \$23,373.36 from the Non-Departmental 010-510-5570 Fund and to appoint Judge William Bosworth as the person in charge of the Law Library effective immediately.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

7. CONSIDERATION TO REPLACE TONY LINTON AS ELECTION DAY JUDGE IN THE RIO VISTA LOCAL OPTION ELECTION WITH DAN NICHOLS AS ELECTION DAY JUDGE AND VIRGINIA GUY FOR ELECTION DAY CLERK

Comm. Bailey, seconded by Comm. Matthews, made a motion to replace Tony Linton as Election Day Judge in the Rio Vista Local Option Election with Dan Nichols as Election Day Judge and Virginia Guy for Election Day Clerk.

All voted aye; motion carried.

The Commissioner's Court recessed at 10:54 A.M. and reconvened at 11:17 A.M. to consider the following:

VIII. NEW BUSINESS

3. CONSIDERATION FOR ACCESS TO THE SPINDLEMEDIA PROGRAM VIA VPN AT THE TAX OFFICE FOR:
 - a. Perdue, Brandon, Fielder, Collins & Mott LLP and Central Appraisal District
 - b. And for Scott Porter, Tax Collector and Darla Ashley, Chief Deputy for Access to the County Network via VPN

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve access to the Spindlemedia Program via VPN at the Tax Office for Perdue, Brandon, Fielder, Collins and Mott LLP and Central Appraisal District; and for Scott Porter, Tax Collector and Darla Ashley, Chief Deputy for access to the County Network via VPN.

All voted aye; motion carried.

12. CONSIDERATION TO RELOCATE EMERGENCY MANAGEMENT AND THE MEDICAL EXAMINER'S OFFICE FROM MILL STREET (JAIL/JUVENILE BUILDING) TO CHAMBERS STREET (PRIOR ELECTIONS OFFICE)

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve to relocate Emergency Management and the Medical Examiner's Office from Mill Street (Jail/Juvenile Building) to Chambers Street (prior Elections Office).

All voted aye; motion carried.

X. WORKSHOP

The Commissioner's Court convened into Workshop Session at 11:30 A.M. to discuss Public Relations Services for Johnson County.

The Commissioner's Court recessed at 11:50 A.M. and reconvened at 1:04 P.M.

The Commissioner's Court re-convened into Open Session at 1:05 P.M. to consider the following:

BE IT KNOWN that Commissioner's Court met in Executive Session at 1:05 P.M. in accordance with Government Code *Section. 551.072-Real Property; Section 551.074-Personnel: Gary Maxwell, Precinct #2; and Iryna Spangler, Probate Auditor; Section 551.071-Consultation with Attorney-Settlement Offer, Maria Cookmeyer vs. Johnson County, Charge Number 450-2009-00241.*

The Commissioner's Court re-convened into Open Session at 1:46 P.M.

X. WORKSHOP

The Commissioner's Court convened into Workshop Session at 1:46 P.M. to discuss Update on Public Safety Radio System; Hamm Creek Park Start-up Procedures-Designation of Authority over Hamm Creek Park and Budget Fund of 010-660; Job Description and Hiring of Personnel; Purchase of Equipment; Rental of Dumpster; Purchase of Signage; Cash Drawer; Uniforms; Hours of Operation; Advertisement; and Collection of Fees.

The Commissioner's Court re-convened into Open Session at 2:39 P.M. to consider the following:

VII. UNFINISHED BUSINESS

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

No Action.

2. CONSIDERATION OF ARCHITECTURAL DESIGN, SPECIFICATION, FINANCIAL PROGRAM REQUIREMENTS AND CONTRACTS FOR REMODELING OF THE OLD BAND HALL FOR JUSTICE OF THE PEACE, PRECINCT #1 OFFICES

No Action.

VIII. NEW BUSINESS

7. CONSIDERATION TO APPLY FOR RECOVERY ACT FOR STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE PROGRAM AND RESOLUTION: COMBATING CRIMINAL NARCOTICS ACTIVITY STEMMING FROM THE SOUTHERN BORDER OF THE UNITED STATES COMPETITIVE GRANT

Comm. Matthews, seconded by Comm. Stringer, made a motion to apply for Recovery Act for State and Local Law Enforcement Assistance Program and Resolution: Combating Criminal Narcotics Activity Stemming from the Southern Border of the United States Competitive Grant.

All voted aye; motion carried.

VI. PRECEDING BUSINESS

2. CONSIDERATION OF REQUEST TO PAY BILLS

Comm. Matthews, seconded by Comm. Beeson, made an amended motion to pay bills as presented by the County Auditor with the subtotal by fund included.

All voted aye; motion carried.

4. CONSIDERATION TO AWARD RFP'S:

- b. **RFP #2009-226-Cargo Trailer for Emergency Management**

Comm. Bailey, seconded by Comm. Beeson, made a motion to award **RFP #2009-226** for a Cargo Trailer for Emergency Management from Cline's Utility and Custom Trailer in Burleson Texas in the amount of \$3,895.00.

All voted aye; motion carried.

c. **RFP #2009-227-Road Materials**

Comm. Matthews, seconded by Comm. Stringer, made a motion to award **RFP #2009-227** for Road Materials to all Vendors.

All voted aye; motion carried.

5. CONSIDERATION TO DECLARE TWO HUNDRED EIGHTY-THREE (283) ITEMS AS SALVAGE UNDER LOCAL GOVERNMENT CODE SEC. 263.152 (3) AND DISPOSED OF BY TECHNOLOGY RECYCLING

Comm. Stringer, seconded by Comm. Beeson, made a motion to declare two hundred eighty-three (283) items as salvage under Local Government Code *Sec. 263.152 (3)* and disposed of by Technology Recycling at no cost to the County.

All voted aye; motion carried.

6. CONSIDERATION OF PROPOSAL FOR DISPLAY CABINETS TO BE BUILT IN THE MUSEUM ROOM AT THE COURTHOUSE

Comm. Beeson, seconded by Comm. Matthews, made a motion to approve display cabinets to be built in the Museum Room at the Courthouse in the amount of \$16,963.01 to be paid from the 075 fund.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

4. CONSIDERATION TO RE-APPOINT AN INDIGENT HEALTHCARE APPEALS HEARING OFFICER

Comm. Matthews, seconded by Comm. Beeson, made a motion to appoint Randy Gillespie, Personnel Director as Indigent Healthcare Appeals Hearing Officer.

All voted aye; motion carried.

5. CONSIDERATION TO RE-APPOINT AN AMERICANS WITH DISIBILITIES ACT COORDINATOR

Comm. Matthews, seconded by Comm. Stringer, made a motion to appoint Randy Gillespie, Personnel Director as Americans with Disabilities Act Coordinator.

All voted aye; motion carried.

6. CONSIDERATION OF RE-APPOINTMENT OF COMMISSIONER DON BEESON AND NEW APPOINTMENT TO THE CLEBURNE TIF #2 BOARD (DOWNTOWN CLEBURNE)

Comm. Stringer, seconded by Comm. Matthews, made a motion to approve the re-appointment of Commissioner Don Beeson, Precinct #4 and new appointment of Commissioner Rick Bailey, Precinct #1 to the Cleburne TIF #2 Board for Downtown Cleburne.

All voted aye; motion carried.

10. HAMM CREEK PARK START-UP PROCEDURES:

- a. Designation of Authority over Hamm Creek Park and Budget Fund of 010-660
- b. Job Description and Hiring of Personnel
- c. Purchase of Equipment
- d. Rental of Dumpster
- e. Purchase of Signage
- f. Cash Drawer
- g. Uniforms
- h. Hours of Operation
- i. Advertisement
- j. Collection of Fees

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve Commissioner Rick Bailey, Precinct #1 as Authority over Hamm Creek Park and Budget Fund of 010-660, Job Description and Hiring of Personnel, Purchase of Equipment, Rental of Dumpster, Purchase of Signage, Cash Drawer, Uniforms, Hours of Operation, Advertisement, and Collection of Fees.

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 purchase an Asphalt Zipper from Houston-Galveston-Area Council Interlocal Agreement in the amount of \$117,568.00 and a Volvo G930 Motor Grader from the Texas Multiple Award Schedules Contract in the amount of \$179,498.00 for Precinct #3; and to advertise for Bids/Proposals for a 2004 new or used Crew Cab pick-up truck for Precinct #4.

All voted aye; motion carried.

2. CONSIDERATION OF BUDGET AMENDMENT PURSUANT TO THE LOCAL GOVERNMENT CODE SECTION 111.010 C FOR:

- a. Justice of the Peace, Precinct #3-Postage Meter
- b. County/District Attorneys Supplement-Personnel Salaries
- c. Justice of the Peace, Precinct #3-Equipment Non-Capital (shredder)
- d. District Clerk/Record Archives-Fees & Services
- e. Law Library-Telephone
- f. County Records Management-Fees and Services
- g. General District Court Expense/Indigent Defense Improvement Grant-Telephone

Comm. Beeson, seconded by Comm. Matthews, made a motion to approve Budget Amendment pursuant to the Local Government Code *Section 111.010 C* for Justice of the Peace, Precinct #3-Postage Meter in the amount of \$384.00; County/District Attorneys Supplement-Personnel Salaries in the amount of \$1,500.00; Justice of the Peace, Precinct #3-Equipment Non-Capital for a shredder in the amount of \$1,355.00; District Clerk/Record Archives-Fees & Services in the amount of \$60,000.00; Law Library-Telephone in the amount of \$200.00; County Records Management-Fees and Services in the amount of \$60,000.00; and General District Court Expense/Indigent Defense Improvement Grant-Telephone in the amount of \$500.00.

All voted aye; motion carried.

5. CONSIDERATION OF FACILITIES ASSESSMENT PROGRAM CONTRACT WITH HONEYWELL BUILDING SOLUTIONS FOR ALL COUNTY OWNED BUILDINGS

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the Facility Assessment Program Contract with Honeywell Building Solutions for all County owned buildings.

All voted aye; motion carried.

6. CONSIDERATION OF IMPLEMENTATION OF AN AUTOMOTIVE TECH INTERN PROGRAM BETWEEN PRECINCT #3 AND BURLESON HIGH SCHOOL AUTOMOTIVE TECH DEPARTMENT

Comm. Stringer, seconded by Comm. Matthews, made a motion to approve the Implementation of an Automotive Tech Intern Program between Precinct #3 and Burleson High School Automotive Tech Department.

All voted aye; motion carried.

8. CONSIDERATION OF THE CONSTRUCTION OF A COMMERCIAL VEHICLE WEIGH STATION AT THE MAINTENANCE FACILITY IN PRECINCT #3

Comm. Stringer, seconded by Comm. Matthews, made a motion to approve the construction of a commercial vehicle weigh station at the Maintenance Facility in Precinct #3.

All voted aye; motion carried.

9. CONSIDERATION OF CONTRACT WITH LEXIS NEXIS FOR ACCURINT-CONSTABLE PRECINCT #3

Comm. Stringer, seconded by Comm. Matthews, made a motion to approve the Contract with Lexis Nexis for Accurint for Constable Precinct #3 with a change in the contract from 20 days to 30 days to pay the invoice and to give the County Judge the authorization to sign.

All voted aye; motion carried.

10. CONSIDERATION TO HIRE CONSULTANT FOR STUDY OF COUNTY INTEROPERABILITY OF PUBLIC SAFETY RADIO SYSTEM

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

All voted aye; motion carried.

11. CONSIDERATION OF AGREEMENT WITH MAGISTRATE CONCERNING SEARCH WARRANTS FOR BLOOD (ERIN BAKKER)

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve the Agreement for a Magistrate Concerning Search Warrants for Blood with Erin Bakker and to give the County Judge the authorization to sign.

All voted aye; motion carried.

13. CONSIDERATION TO MOVE \$3,000.00 FROM POSITION #G03-001 INTO POSITION #G02-020 (OPEN)-PRECINCT #3

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

All voted aye; motion carried.

14. CONSIDERATION OF ENTERPRISE CONTRACT WITH STATE DIR AND MICROSOFT FOR SOFTWARE SUPPORT-ISS

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve the Enterprise Contract with State DIR and Microsoft for software support for ISS and to give the County Judge the authorization to sign.

All voted aye; motion carried.

15. CONSIDERATION OF INTERLOCAL AGREEMENT FOR ROAD REPAIR MATERIAL-CRS-2 AND COMMISSIONER'S COURT APPROVAL OF INTERLOCAL AGREEMENT WITH THE CITY OF GRANDVIEW-PRECINCT #4

Comm. Beeson, seconded by Comm. Matthews, made a motion to approve the Interlocal Agreement for Road Repair Materials-CRS-2 and Commissioner's Court approval of Interlocal Agreement with the City of Grandview in Precinct #4.

All voted aye; motion carried.

16. CONSIDERATION OF BUDGET TRANSFERS TO MOVE AMOUNTS FROM FRINGE BENEFITS GL #5205 FOR ALL DEPARTMENTS TO THE NEW FRINGE BENEFIT NUMBERS AS REQUESTED BY THE AUDITOR'S OFFICE

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve Budget transfers to move amounts from Fringe Benefits GL #5205 for all Departments to the New Fringe Benefit Numbers as requested by the Auditor's office.

All voted aye; motion carried.

ADDENDUM

18. CONSIDERATION OF APPOINTMENT TO THE JOSHUA TAX INCREMENT FINANCING ZONE

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the appointment of Commissioner Rick Bailey, Precinct #1 to the Joshua Tax Increment Financing Zone.

All voted aye; motion carried.

IX. CONSENT AGENDA

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Consent Agenda.

All voted aye; motion carried.

X. WORKSHOP

The Commissioner's Court convened into Workshop Session at 3:56 P.M. to discuss Cell Phone and Take Home Vehicle Policy; Market Square Update; and Findings of the CEC Review Committee.

The Commissioner's Court re-convened into Open Session at 4:56 P.M. to consider the following:

VII. UNFINISHED BUSINESS

8. CONSIDERATION OF FINDINGS OF THE CEC REVIEW COMMITTEE

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the findings of the CEC Review Committee as attached.

All voted aye; motion carried.

9. CONSIDERATION OF CELL PHONE AND TAKE HOME VEHICLE POLICY

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve a cell phone allowance of \$50.00 per month for basic cell phone, \$75.00 per month for air card, and \$90.00 per month for Elected Officials, Department Heads and employees who are on call 24 hours, 7 days a week, with no upgrades; and the Take Home Vehicle Policy for County owned vehicles to be driven home within Johnson County boundaries effective June 1, 2009.

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

Motion failed.

Comm. Beeson, seconded by County Judge Roger Harmon, made an amended motion to approve a cell phone allowance not to exceed \$40.00 per month for basic line cell phone, not to exceed \$66.00 per month for air card, and not to exceed \$80.00 per month for Elected Officials, Department Heads and employees who are on call 24 hours, 7 days a week, with no upgrades.

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

Motion carried.

Comm. Beeson, seconded by County Judge Roger Harmon, made an amended motion to approve a cell phone allowance not to exceed \$40.00 per month for basic line cell phone, not to exceed \$66.00 per month for air card, and not to exceed \$80.00 per month for Elected Officials, Department Heads and employees who are on call 24 hours, 7 days a week, with no upgrades; and the Take Home Vehicle Policy for County owned vehicles to be driven home within the boundaries of Johnson County.

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

Motion carried.

Comm. Beeson, seconded by County Judge Roger Harmon, made an amended motion to approve a cell phone allowance not to exceed \$40.00 per month for basic line cell phone, not to exceed \$66.00 per month for air card, and not to exceed \$80.00 per month for Elected Officials, Department Heads and employees who are on call 24 hours, 7 days a week, with

no upgrades; and the Take Home Vehicle Policy for County owned vehicles to be driven home within the boundaries of Johnson County effective June 1, 2009.

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

Motion carried.

XI. EXECUTIVE SESSION

1. Government Code:
 - a. *Sec. 551.072-Real Property*

No Action.

- b. *Sec. 551.074-Personnel:*
 - (1) Gary Maxwell, Precinct #2

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve a pay increase of \$52.00 per year for the new position of Gary Maxwell, Precinct #2, which will allow his pay to remain the same.

All voted aye; motion carried.

- (2) Iryna Spangler, Probate Auditor

Comm. Stringer, seconded by Comm. Matthews, made a motion to change Iryna Spangler's title from Probate Auditor to Probate Auditor/Court Coordinator with an increase from Grade 11 to Grade 13 with consideration for a salary adjustment in the 2009-2010 budget year.

All voted aye; motion carried.

- c. *Sec. 551.071*-Consultation with Attorney: Settlement Offer, Maria Cookmeyer vs. Johnson County-Charge Number 450-2009-00241

Comm. Beeson, seconded by Comm. Bailey, made a motion to give the County Judge authorization to sign the Settlement Offer.

All voted aye; motion carried.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 5:31 P.M.

Submitted by: _____
County Clerk
Curtis H. Douglas

Approved by: _____
County Judge
Roger Harmon