

STATE OF TEXAS

August 8, 2011

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 8th 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 9:03 A.M., with all members present, and following the Invocation led by Pastor Paul Pinyan, Faith Fellowship Bible Church, Rio Vista, 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 4, 2011 at 1:00 P.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

V. PUBLIC PARTICIPATION

Betty Shelton spoke in regards to Heart for the Kids, an organization which assists children in Johnson County with school supplies, immunizations, school physicals and Christmas gifts. Ms. Shelton was asking for monetary donations for the organization.

VI. PUBLIC HEARINGS

The Commissioner's Court opened a Public Hearing at 9:13 A.M. to discuss:

1. “IN ACCORDANCE WITH CHAPTER 343 OF THE TEXAS HEALTH & SAFETY CODE, THE PREMISES LOCATED AT **7320 SPRING STREET, ALVARADO, TEXAS 76009**, HAS BEEN IDENTIFIED AS A PUBLIC NUISANCE AND **JOAN GUNTER BOOTS** HAS BEEN IDENTIFIED AS THE PERSON RESPONSIBLE FOR CAUSING OR MAINTAINING A PUBLIC NUISANCE ON THE PREMISES.”

Detective Steve Shaw spoke in reference to Chapter 343 of the Texas Health & Safety Code, the premises located at **7320 Spring Street, Alvarado, Texas 76009**, has been identified as a public nuisance and **Joan Gunter Boots** has been identified as the person responsible for causing or maintaining a public nuisance on the premises. Det. Shaw clarified that this property is located in Precinct #4, not Precinct #3. This case began in February 2011 by sending Notice of Violation letters to the owner of the property and the letters came back undelivered. Det. Shaw contacted the developer of the property and was told that they no longer had any interest in the properties because all the lots in that tract had been sold. At this point Det. Shaw was able to contact Joan Gunter Boots, who is the mother of Don Boots, the deceased owner of the property. Don Boots wasn't married and had no children. Det. Shaw sent a certified letter to Joan Gunter Boots and he received a response from Shauna Boots, the deceased's sister. She informed Det. Shaw that they were in the process of trying to locate someone to mow the property. She said they were also trying to sell the property but that there is a title issue with the mobile home so they aren't able to sell the mobile home or the property at this time. Det. Shaw went back to the property on July 27, 2011 and again on August 5, 2011 and no abatement had been done on the property so it was presented in Court today. The hearing was closed at 9:18 A.M.

IX. NEW BUSINESS

22. CONSIDERATION TO CLARIFY FOR COURT RECORD THAT CHAPARRAL COURT, FROM EAST RENFRO DRIVE TO THE CUL-DE-SAC, IS A JOHNSON COUNTY MAINTAINED ROAD-PRECINCT #3

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve to clarify for court record that Chaparral Court, from East Renfro Drive to the cul-de-sac, is a Johnson County maintained road in Precinct #3.

All voted aye; motion carried.

5. CONSIDERATION OF TAX ABATEMENT AGREEMENT BETWEEN AIR LIQUIDE INDUSTRIAL U.S., LP AND JOHNSON COUNTY, TEXAS PURSUANT TO CHAPTER 312, TAX CODE V.T.C.A. AND COURT ORDER #2011-24 APPROVING SAID TAX ABATEMENT AGREEMENT BETWEEN AIR LIQUIDE INDUSTRIAL U.S., LP AND JOHNSON COUNTY, TEXAS

Comm. Bailey, seconded by Comm. Thompson, made a motion to approve the Tax Abatement Agreement between Air Liquide Industrial U. S., LP and Johnson County, Texas pursuant to Chapter 312, Tax Code V. T. C. A. and Court **Order #2011-24** Approving Said Tax Abatement Agreement Between Air Liquide Industrial U. S., LP and Johnson County, Texas and to give the County Judge the authorization to sign.

All voted aye; motion carried.

VII. PRECEDING BUSINESS

1. CONSIDERATION OF **ORDER #2011-23** – ORDER OF ABATEMENT OF A PUBLIC NUISANCE LOCATED AT **7320 SPRING STREET, ALVARADO, TEXAS 76009**

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve **Order #2011-23**, Order of Abatement of a Public Nuisance located at **7320 Spring Street, Alvarado, Texas 76009**.

All voted aye; motion carried.

2. CONSIDERATION OF MINUTES OF THE COMMISSIONER'S COURT:
 - a. June 27, 2011 – Regular Session
 - b. July 11, 2011 - Regular Session

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the Commissioner's Court Minutes for June 27, 2011 and July 11, 2011.

All voted aye; motion carried.

3. 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.

4. 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.

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

Comm. Thompson, seconded by Comm. Beeson, 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.

6. CONSIDERATION OF RFB'S:

a. **RFB #2011-420 – Janitorial & Paper Supplies**



Comm. Bailey, seconded by Comm. Thompson, made a motion to approve **RFB #2011-420 – Janitorial & Paper Supplies** to Staples, Arlington, Texas effective September 1, 2011.

All voted aye; motion carried.

b. **RFB #2011-422 – 2010 or Newer Travel Trailer for Emergency Management**

Comm. Beeson, seconded by Comm. Stringer, made a motion to award **RFB #2011-422** – 2010 or Newer Travel Trailer for Emergency Management to Fun Town RV, Cleburne, Texas at a cost of \$24,900.00.

All voted aye; motion carried.

c. **RFB #2011-423 – Three (3) Dump Beds for Precinct #1**

Comm. Bailey, seconded by Comm. Stringer, made a motion to award **RFB #2011-423** – Three (3) Dump Beds for Precinct #1 to Workhorse Industries of Texas at a cost of \$8,864.00 which includes installation. The decision to choose this company was based on the quality of the construction and the grade of materials used.

All voted aye; motion carried.

VIII. **UNFINISHED BUSINESS**

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.

2. **CONSIDERATION OF RECURRING ITEMS CONCERNING MARKET SQUARE**

Discussion. No Action.

IX. **NEW BUSINESS**

1. **CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS**

Comm. Beeson, seconded by Comm. Stringer, made a motion to advertise for bids/proposals for veterinarian services to perform Coggins' test on horses and donkeys for the Sheriff's Office and document management software for the IT Department.

All voted aye; motion carried.

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

- a. Sheriff-Vehicle Insurance Claim
- b. Road & Bridge, Precinct #3-Insurance Claim

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the Budget Amendment pursuant to the Local Government Code *Section 111.0106* for Sheriff, Vehicle Insurance Claim for vehicle accident in the amount of \$1,851.00 and Road & Bridge, Precinct #3, Insurance Claim for minor bridge/culvert repairs in the amount of \$5,250.00.

All voted aye; motion carried.

3. CONSIDERATION OF THE FUND BALANCE POLICY AS REQUIRED TO MEET GASB 54 STANDARDS-AUDITOR

Comm. Thompson, seconded by Comm. Bailey, made a motion to approve the Fund Balance Policy as required to meet GASB 54 Standards as presented by Kirk Kirkpatrick, County Auditor.

All voted aye; motion carried.

4. CONSIDERATION OF ISSUANCE OF THE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011-AUDITOR

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the issuance of the General Obligation Refunding Bonds, Series 2011 as presented by Kirk Kirkpatrick, County Auditor.

All voted aye; motion carried.

The Commissioner's Court recessed at 10:33 A.M. and reconvened at 10:52 A.M. to consider the following:

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

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

All voted aye; motion carried.

7. CONSIDERATION OF CONTRACT AMENDMENT NUMBER 1 TO THE INTERGOVERNMENTAL COOPERATIVE REIMBURSEMENT AGREEMENT BETWEEN THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) AND JOHNSON COUNTY FOR LOW INCOME VEHICLE REPAIR ASSISTANCE, RETROFIT AND ACCELERATED VEHICLE RETIREMENT PROGRAM

Comm. Bailey, seconded by Comm. Thompson, made a motion to approve the Contract Amendment Number 1 to the Intergovernmental Cooperative Reimbursement Agreement Between the Texas Commission on Environmental Quality (TCEQ) and Johnson County for Low Income Vehicle Repair Assistance, Retrofit and Accelerated Vehicle Retirement Program and to give the County Judge the authorization to sign.

All voted aye; motion carried.

8. CONSIDERATION OF INTERLOCAL AGREEMENT BETWEEN THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS AND JOHNSON COUNTY FOR CITIES READINESS INITIATIVE (CRI) PROJECT IMPLEMENTATION

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 Cities Readiness Initiative (CRI) Project Implementation and to give the County Judge the authorization to sign.

All voted aye; motion carried.

9. CONSIDERATION OF OBSERVATIONS AND RECOMMENDATIONS FROM HFP ACOUSTICAL CONSULTANTS INC., AS A RESULT OF THE TEXAS HISTORICAL COMMISSION'S COMMISSIONER'S COURTROOM ACOUSTICAL STUDY

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

All voted aye; motion carried.

10. CONSIDERATION OF THE TEXAS DEPARTMENT OF MOTOR VEHICLES COLLECTION OF OPTIONAL FEES PURSUANT TO SECTION 502 OF THE TRANSPORTATION CODE

County Judge Roger Harmon, seconded by Comm. Beeson, made a motion to approve the Texas Department of Motor Vehicles Collection of optional fees pursuant to Section 502 of the Transportation Code and not include the optional extra fee in the amount of \$1.50 for the Child Safety Fund.

All voted aye; motion carried.

11. CONSIDERATION OF 2012 SHERIFFS' AND CONSTABLES' FEES AS REQUIRED UNDER LOCAL GOVERNMENT CODE SECTION 118.131

Comm. Thompson, seconded by Comm. Stringer, made a motion to approve the 2012 Sheriffs' and Constables' Fees as required under Local Government Code *Section 118.131* with all fees remaining the same as 2011.

All voted aye; motion carried.

12. CONSIDERATION OF DAVID J. VESELY AS RESERVE DEPUTY CONSTABLE-CONSTABLE, PRECINCT #4

Comm. Beeson, seconded by Comm. Thompson, made a motion to approve David J. Vesely as Reserve Deputy Constable for Constable, Precinct #4.

All voted aye; motion carried.

13. CONSIDERATION OF THE JOHNSON COUNTY APPOINTMENT TO THE PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT

Comm. Thompson, seconded by Comm. Beeson, made a motion to approve the appointment of Dennis Erinakes to the Prairielands Groundwater Conservation District representing Johnson County.

All voted aye; motion carried.

14. CONSIDERATION OF NAMING THE JOHNSON COUNTY SHERIFF'S SERVICES COMPLEX "THE CLIFTON TAYLOR SERVICES COMPLEX" IN HONOR OF FALLEN SHERIFF'S OFFICER CLIFTON TAYLOR

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

All voted aye; motion carried.

15. CONSIDERATION OF NAMING THE EMERGENCY OPERATIONS CENTER "CLIFTON TAYLOR EMERGENCY OPERATIONS CENTER" IN HONOR OF FALLEN SHERIFF'S OFFICER CLIFTON TAYLOR

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

All voted aye; motion carried.

16. PRESENTATION BY TAX ASSESSOR/COLLECTOR AND COUNTY AUDITOR:

- a. Effective Tax Rate, Roll Back Tax Rate and Calculation Methods
- b. M & O Obligations
- c. Debt Obligations

Discussion. No Action.

17. CONSIDERATION TO TAKE RECORD VOTE ON PROPOSED TAX RATE FOR THE 2011 TAX YEAR

County Judge Roger Harmon called for a record vote on proposed tax rate for the 2011 tax year at .379500 per \$100.00 valuation. A record vote was taken as recorded below:

County Judge Roger Harmon	Aye
Comm. Rick Bailey	Aye
Comm. Troy Thompson	Aye
Comm. Jerry Stringer	Aye
Comm. Don Beeson	Aye

18. CONSIDERATION TO SCHEDULE PUBLIC HEARINGS ON TAX RATE FOR THE 2011 TAX YEAR

Comm. Bailey, seconded by Comm. Thompson, made a motion to approve to schedule a public hearing on the tax rate for the 2011 tax year for September 26, 2011.

All voted aye; motion carried.

19. CONSIDERATION OF LETTER OF AGREEMENT-EMPLOYEE BENEFITS ADVISORY SERVICES WITH HOLMES, MURPHY & ASSOCIATES, INC.

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve the Letter of Agreement-Employee Benefits Advisory Services with Holmes, Murphy & Associates, Inc. and to give the County Judge the authorization to sign.

All voted aye; motion carried.

18. CONSIDERATION TO SCHEDULE PUBLIC HEARINGS ON TAX RATE FOR THE 2011 TAX YEAR

Comm. Bailey, seconded by Comm. Thompson, made an amended motion to table this item.

All voted aye; motion carried.

20. CONSIDERATION OF LETTER TO UNITEDHEALTH CARE NOTIFYING THEM OF THE APPOINTMENT OF HOLMES MURPHY & ASSOCIATES, INC. AS THE JOHNSON COUNTY INSURANCE CONSULTANT

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

All voted aye; motion carried.

21. CONSIDERATION OF HEALTH INSURANCE CONTINUATION FOR RETIREMENT ELIGIBLE EMPLOYEES WHO MEET CERTAIN TENURE REQUIREMENTS

Discussion. No Action.

23. CONSIDERATION OF AT&T AIR CARD AND RECURRING MONTHLY EXPENSE OF \$55.00 FOR:

- a. Constable, Precinct #1
- b. Constable, Precinct #2
- c. Constable, Precinct #3
- d. Constable, Precinct #4

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve the AT&T air card and recurring monthly expense of \$55.00 for Constable, Precinct #1, Constable, Precinct #2, Constable, Precinct #3 and Constable, Precinct #4, effective October 1, 2011.

All voted aye; motion carried.

24. CONSIDERATION OF DATA PROCESSING SERVICES AGREEMENT, CPT ADDENDUM TO DATA PROCESSING SERVICES AGREEMENT, ATTACHMENT A, ATTACHMENT B AND SCHEDULE A, WITH INDIGENT HEALTHCARE SOLUTIONS, LTD.-IT DEPARTMENT

Comm. Thompson, seconded by Comm. Bailey, made a motion to approve the Data Processing Services Agreement, CPT Addendum to Data Processing Services Agreement, Attachment A, Attachment B and Schedule A, with Indigent Healthcare Solutions, Ltd. with the IT Department and to give the County Judge the authorization to sign.

All voted aye; motion carried.

25. CONSIDERATION OF DESIGNATION OF VOTING REPRESENTATIVE FOR THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS

Comm. Beeson, seconded by Comm. Thompson, made a motion to approve the Designation of Voting Representative for the North Central Texas Council of Governments as County Judge, Roger Harmon and to give the County Judge the authorization to sign.

All voted aye; motion carried.

26. CONSIDERATION OF CHILD WELFARE SERVICES CONTRACT NON-FINANCIAL, CONTRACT #23939074 AND ADDITIONAL AUTHORIZED SIGNATURE DESIGNATION WITH THE TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

Comm. Bailey, seconded by Comm. Thompson, made a motion to approve the Child Welfare Services Contract Non-Financial, Contract #23939074 and additional authorized signature designation with the Texas Department of Family and Protective Services and to give the County Judge the authorization to sign.

All voted aye; motion carried.

X. CONSENT AGENDA

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

All voted aye; motion carried.

The Commissioner's Court recessed at 11:51 A.M. and reconvened at 1:25 P.M. to consider the following:

BE IT KNOWN that Commissioner's Court met in Executive Session at 1:28 P.M. in accordance with Government Code *Sec. 551.074*-Personnel Matters, Matt Smid-District Attorney's Office and N. H. Laseman-District Attorney's Office.

The Commissioner's Court reconvened into Open Session at 2:34 P.M. to consider the following:

XII. EXECUTIVE SESSION

1. Government Code: *Sec. 551.074*-Personnel Matters

a. Matt Smid-District Attorney's Office

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

All voted aye; motion carried.

b. N. H. Laseman-District Attorney's Office

County Judge Roger Harmon, seconded by Comm. Thompson, made a motion to approve N. H. Laseman's part time salary of \$54,299.00 including benefits, to be paid by the County effective October 1, 2011 and is not eligible for any salary increase which may be approved for the budget year 2011-2012.

County Judge Roger Harmon	Aye
Comm. Rick Bailey	Aye
Comm. Troy Thompson	Aye
Comm. Jerry Stringer	Nay
Comm. Don Beeson	Nay

Motion carried.

IX. NEW BUSINESS

21. CONSIDERATION OF HEALTH INSURANCE CONTINUATION FOR RETIREMENT ELIGIBLE EMPLOYEES WHO MEET CERTAIN TENURE REQUIREMENTS

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve Health Insurance Continuation for retirement eligible employees who meet certain tenure requirements, per the attached document.

All voted aye; motion carried.

XI. WORKSHOP

The Commissioner's Court convened into Workshop Session at 2:41 P.M. to discuss the Budget and Auto and Property Insurance.

The Commissioner's Court reconvened into Open Session at 3:03 P.M.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 3:10 P.M.

Submitted by: _____
County Clerk
Becky Williams

Approved by: _____
County Judge
Roger Harmon