

STATE OF TEXAS

[February 11, 2013](#)

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 11<sup>th</sup> 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 9:02 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 7, 2013 at 1:26 P.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

1. DUE TO THE UPCOMING CONFERENCES FOR THE COUNTY JUDGE, COUNTY COMMISSIONERS AND THE COMMISSIONER'S COURT ASSISTANT, THE DEADLINE TO SUBMIT ITEMS FOR THE FEBRUARY 25, 2013 COMMISSIONER'S COURT AGENDA WILL BE **FRIDAY, FEBRUARY 15, 2013 AT 5:00 PM**

County Judge Roger Harmon announced to the Court that due to the upcoming conferences for the County Judge, County Commissioners and the Commissioner's Court Assistant, the deadline to submit items for the February 25, 2013 Commissioner's Court Agenda will be **Friday, February 15, 2013 at 5:00 PM.**

2. INTRODUCTION OF JAMIE MOORE, EMERGENCY MANAGEMENT COORDINATOR

County Judge Roger Harmon introduced Jamie Moore, Emergency Management Coordinator to Commissioner's Court.

3. PRESENTATION OF RETIREMENT PLAQUE TO BEN OEFINGER, FOR MASTER GARDENER SERVICES FOR JOHNSON COUNTY

Commissioner's Court presented a retirement plaque to Ben Oefinger, for Master Gardener Services for Johnson County.

4. PRESENTATION OF PLAQUES TO OUT GOING MEMBERS OF THE JOHNSON COUNTY ECONOMIC DEVELOPMENT COMMISSION BOARD

- a. DeWayne Burns
- b. Tom Durlington
- c. Doug Giddens

Commissioner's Court presented plaques to out going members of the Johnson County Economic Development Commission Board, DeWayne Burns, Tom Durlington and Doug Giddens.

V. PUBLIC PARTICIPATION

Mr. Andy Asberry signed up, but elected not to speak at this time.

VI. PRECEDING BUSINESS

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

a. January 14, 2013 – Regular Session

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the Commissioner's Court Minutes for January 14, 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 RFB #2012-112 – RENEWAL OF VENDORS FOR ROAD MATERIALS FOR JOHNSON COUNTY

Comm. Stringer, seconded by Comm. Howell, made a motion to approve [RFB #2012-112](#), renewal of Vendors for Road Materials for Johnson County for all vendors at the same pricing until September 30, 2013.

All voted aye; motion carried.

5. CONSIDERATION OF RFB #2012-113 – RENEWAL OF VENDORS FOR ASPHALTS AND EMULSIONS FOR JOHNSON COUNTY

Comm. Beeson, seconded by Comm. Howell, made a motion to approve [RFB #2012-113](#), renewal of Vendors for Asphalts and Emulsions for Johnson County for all vendors at the same pricing until September 30, 2013.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

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

Discussion. No Action.

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

- a. Consideration of Amending Order #2012-17 Which Exempts the Professional Service of an Architect to Include Government Code Chapter 2254.003 as a Basis to Select Alan Magee Architects, L.P. to Provide Services for the Alvarado Sub-Courthouse Located in Johnson County, Texas Precinct #3

Brief Discussion. No Action.

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

a. Consideration of Record of Costs Issues

Discussion. No Action.

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

a. Consideration of Amending **Order #2012-17** Which Exempts the Professional Service of an Architect to Include Government Code Chapter 2254.003 as a Basis to Select Alan Magee Architects, L.P. to Provide Services for the Alvarado Sub-Courthouse Located in Johnson County, Texas Precinct #3

Additional Discussion. No Action.

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

a. Consideration of Record of Costs Issues

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

All voted aye; motion carried.

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

a. Consideration of Amending **Order #2012-17** Which Exempts the Professional Service of an Architect to Include Government Code Chapter 2254.003 as a Basis to Select Alan Magee Architects, L.P. to Provide Services for the Alvarado Sub-Courthouse Located in Johnson County, Texas Precinct #3

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve of amending **Order #2012-17**, which exempts the Professional Service of an Architect to include Government Code Chapter 2254.003 as a basis to select Alan Magee Architects, L.P. to provide services for the Alvarado Sub-Courthouse located in Johnson County, Texas, Precinct #3.

All voted aye; motion carried.

2. CONSIDERATION OF RECURRING ITEMS CONCERNING MARKET SQUARE

- a. Consideration of Appointment of a Johnson County Representative to Negotiate with the City Manager of the City of Cleburne Regarding a Proposed Agreement to Maintain and Operate the Johnson County Market Square

Comm. Stringer, seconded by Comm. Howell, made a motion to approve the Appointment of Commissioner Rick Bailey, Precinct #1, as the Johnson County Representative to negotiate with the City Manager of the City of Cleburne regarding a proposed agreement to maintain and operate the Johnson County Market Square.

All voted aye; motion carried.

VIII. NEW BUSINESS

3. CONSIDERATION OF REQUEST OF PAYMENT TO THE CHILDREN'S ADVOCACY CENTER FOR FISCAL YEAR 2011-2012 FUNDING THAT WAS NOT REQUESTED PRIOR TO SEPTEMBER 30, 2012

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve the request of payment to the [Children's Advocacy Center](#) for fiscal year 2011-2012 funding that was not requested prior to September 30, 2012 and to authorize Holly Morris, Budget Coordinator to move the funds.

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

Motion carried.

4. CONSIDERATION OF RESERVE DEPUTY CONSTABLE MICKEY R. KIMBROW-CONSTABLE, PRECINCT #1

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve of [Reserve Deputy Constable, Mickey R. Kimbrow](#), Constable, Precinct #1.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

5. CONSIDERATION OF AMENDMENT 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. Bailey, seconded by Comm. Beeson, made a motion to table this item.

All voted aye; motion carried.

6. CONSIDERATION OF APPOINTMENT OF JUDGE JERRY WEBBER TO THE JOHNSON COUNTY BAIL BOND BOARD AND OF MARALYN WHEELER AS HIS DESIGNEE TO THE BAIL BOND BOARD, PURSUANT TO STATUTE 1704.053-BAIL BOND BOARD COMPOSITION-SHERIFF'S OFFICE

Comm. Bailey, seconded by Comm. Howell, made a motion to approve the [Appointment of Judge Jerry Webber to the Johnson County Bail Bond Board](#) and of Maralyn Wheeler as his designee to the Bail Bond Board, pursuant to Statute 1704.053, Bail Bond Board Composition for the Sheriff's Office.

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 approve to advertise for bids/proposals for Nuisance of Property Abatement.

All voted aye; motion carried.

The Commissioner's Court recessed at 10:19 A.M. and reconvened at 10:36 A.M. to consider the following:

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Stringer, seconded by Comm. Beeson, made an amended motion to approve to advertise for bids/proposals for Nuisance of Property Abatement and for Bank Depository for the County.

All voted aye; motion carried.

7. CONSIDERATION OF PURCHASE OF DISHWASHER FOR THE JAIL ON THE COOPERATIVE PURCHASE AGREEMENT

Comm. Bailey, seconded by Comm. Howell, made a motion to approve the [purchase of dishwasher for the Jail](#) on the Cooperative Purchase Agreement, paid from the Jail Detention Fund and to give the County Judge the authorization to sign.

All voted aye; motion carried.

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

- a. Indigent Health Care Fund-Mileage Reimbursement \$300.00 and Dues & Conferences \$149.00
- b. Sheriff Forfeitures Fund-Equipment Capital \$10,000.00 and Equipment Non-Capital \$2,000.00

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve **FY 2013** Budget Amendment pursuant to the Local Government Code *Section 111.010* for Indigent Health Care Fund, Mileage Reimbursement in the amount of \$300.00 for budget shortage and for Indigent Health Care Fund, Dues & Conferences in the amount of \$149.00 to create a budget for a total of \$449.00; and for Sheriff Forfeitures Fund, Equipment Capital in the amount of \$10,000.00 for future equipment purchases and for Sheriff Forfeitures Fund, Equipment Non-Capital in the amount of \$2,000.00 for future equipment purchases for the total amount of \$12,000.00.

All voted aye; motion carried.

5. CONSIDERATION OF THE DOWNTOWN CLEBURNE ASSOCIATION'S REQUEST TO USE COUNTY OWNED PROPERTY FOR SPRINGFEST FROM 6:00 PM FRIDAY, APRIL 27, 2013 TO DUSK ON SATURDAY, APRIL 28, 2013

Comm. Bailey, seconded by Comm. Howell, made a motion to approve the [Downtown Cleburne Association's request](#) to use County owned property for Springfest, from 6:00 PM Friday, April 27, 2013 to dusk on Saturday, April 28, 2013, with the following changes: Market Square will be removed from the list of requested County owned property, set up for carnival will be allowed beginning Friday morning and a copy of the carnival's Liability Policy will be provided with Johnson County as additional named insured.

All voted aye; motion carried.

6. CONSIDERATION OF BILLBOARD FOR HAMM CREEK PARK AND ADVERTISING CONTRACT WITH BIG TEX ADVERTISING, LLC

Comm. Bailey, seconded by Comm. Howell, made a motion to approve of [billboard for Hamm Creek Park](#) and Advertising Contract with Big Tex Advertising, LLC and to give the County Judge the authorization to sign.

All voted aye; motion carried.

8. CONSIDERATION OF AGREEMENT FOR USE OF RADIO TRANSCEIVER EQUIPMENT BETWEEN JOHNSON COUNTY AND THE TEXAS DEPARTMENT OF PUBLIC SAFETY

Comm. Stringer, seconded by Comm. Bailey, made a motion to approve the [Agreement for Use of Radio Transceiver Equipment](#) between Johnson County and the Texas Department of Public Safety and to give the County Judge and the Sheriff the authorization to sign.

All voted aye; motion carried.

9. ACKNOWLEDGEMENT OF AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT #P00027 WITH ICE

Commissioner's Court acknowledged the Amendment of Solicitation/Modification of Contract #P00027 with ICE.

10. CONSIDERATION OF THE TEXAS 1033 SURPLUS PROPERTY PROGRAM APPLICATION LETTER, RELEASE OF LIABILITY AND STATE OF TEXAS 1033 PROGRAM PLANS, POLICIES AND PROCEDURES-SHERIFF'S OFFICE

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve of the [Texas 1033 Surplus Property Program](#) Application Letter, Release of Liability and State of Texas 1033 Program Plans, Policies and Procedures for the Sheriff's Office and to give the County Judge and the Sheriff the authorization to sign all related documents.

All voted aye; motion carried.

11. CONSIDERATION OF MITEL TECHNOLOGIES, INC. RESPONSIBILITIES FOR SYSTEM IMPLEMENTATION, TOTALSOLUTION PROGRAM LEASE AGREEMENT, TOTALSOLUTION PROGRAM SCHEDULE 1, TOTALSOLUTION PROGRAM SERVICE AGREEMENT, AMENDMENT NO. 1 TO THE TOTALSOLUTION PROGRAM LEASE AGREEMENT, AMENDMENT NO. 1 TO THE TOTALSOLUTION PROGRAM SERVICE AGREEMENT, SUPPLEMENT TO TOTALSOLUTION PROGRAM FOR SOFTWARE ASSURANCE, DELIVERY AND ACCEPTANCE OF EQUIPMENT, SCHEDULE 2 – TOTALSOLUTION PROGRAM SERVICE AGREEMENT AND JOHNSON COUNTY CONTRACT TERMS ADDENDUM – MITEL LEASE 2013, JOHNSON COUNTY CONTRACT TERMS ADDENDUM – MITEL SERVICE AGREEMENT 2013-IT DEPARTMENT

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the [Mitel Technologies, Inc.](#) Responsibilities for System Implementation, TotalSolution Program Lease Agreement, TotalSolution Program Schedule 1, TotalSolution Program Service Agreement, Amendment No. 1 to the TotalSolution Program Lease Agreement, Amendment No. 1 to the TotalSolution Prgram Service Agreement, Supplement to TotalSolution Program for Software Assurance, Delivery and Acceptance of Equipment, Schedule 2 – TotalSolution Program Service Agreement and Johnson County Contract Terms Addendum – Mitel Lease 2013, Johnson County Contract Terms Addendum – Mitel Service Agreement 2013 for the IT Department, to be paid for out of the General Fund balance and to give the County Judge the authorization to sign all related documents.

All voted aye; motion carried.

12. CONSIDERATION OF MEMORANDUM OF UNDERSTANDING FOR INFORMATION TECHNOLOGY SERVICES BETWEEN AGRILIFE EXTENSION AND JOHNSON COUNTY-IT DEPARTMENT

Comm. Stringer, seconded by Comm. Bailey, made a motion to approve the [Memorandum of Understanding](#) for Information Technology Services between AgriLIFE Extension and Johnson County and to give the County Judge the authorization to sign.

All voted aye; motion carried.

13. CONSIDERATION OF SOFTWARE MAINTENANCE RENEWAL WITH ESRI-IT DEPARTMENT

Comm. Bailey, seconded by Comm. Howell, made a motion to approve the [Software Maintenance Renewal with ESRI](#) and to give the County Judge the authorization to sign.

All voted aye; motion carried.

14. CONSIDERATION OF INTERLOCAL AGREEMENT FOR FURNISHING ROAD REPAIR MATERIAL TO THE CITY OF GRANDVIEW-PRECINCT #4

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the [Interlocal Agreement for Furnishing Road Repair Material](#) to the City of Grandview for Precinct #4.

All voted aye; motion carried.

15. CONSIDERATION OF COMMISSIONER'S COURT APPROVAL FOR INTERLOCAL AGREEMENT PROJECT FOR FURNISHING ROAD REPAIR MATERIAL TO THE CITY OF GRANDVIEW-PRECINCT #4

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve of [Commissioner's Court Approval for Interlocal Agreement](#) Project for Furnishing Road Repair Material to the City of Grandview in Precinct #4.

All voted aye; motion carried.

16. CONSIDERATION OF INTERLOCAL AGREEMENT FOR ROAD CONSTRUCTION FOR REALIGNMENT OF 1,000' OF CR 1123 BEGINNING AT THE NORTH RIGHT-OF-WAY LINE OF US 67 WITH THE CITY OF CLEBURNE-PRECINCT #1

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve of [Interlocal Agreement for Road Construction](#) for Realignment of 1,000' of CR 1123 Beginning at the North Right-of-Way Line of US 67 with the City of Cleburne for Precinct #1, but is contingent upon the granting of easement prior to construction.

All voted aye; motion carried.

17. CONSIDERATION OF COMMISSIONER'S COURT APPROVAL FOR INTERLOCAL AGREEMENT FOR ROAD CONSTRUCTION WITH THE CITY OF CLEBURNE-PRECINCT #1

Comm. Bailey, seconded by Comm. Howell, made a motion to approve of [Commissioner's Court Approval for Interlocal Agreement](#) for Road Construction with the City of Cleburne for Precinct #1.

All voted aye; motion carried.

18. CONSIDERATION OF COUNTY JUDGE'S APPOINTMENT TO THE JOHNSON COUNTY ECONOMIC DEVELOPMENT COMMISSION BOARD:

a. Al Archer, Jr., Cleburne, Texas

County Judge Roger Harmon, seconded by Comm. Beeson, made a motion to approve of County Judge's Appointment of Al Archer, Jr., Cleburne, Texas to the Johnson County Economic Development Commission Board.

All voted aye; motion carried.

IX. CONSENT AGENDA

Comm. Stringer, seconded by Comm. Howell, made a motion to approve all items on the [Consent Agenda](#).

All voted aye; motion carried.

**BE IT KNOWN** that Commissioner's Court met in Executive Session at 11:46 A.M. in accordance with *Sec. 551.071*, Government Code, Consultation with Attorney, Pending Litigation, Fuller v. Johnson County Sheriff Department, et al, Civil Action No. 3:13-cv-00231-P, United States District Court for the Northern District of Texas.

The Commissioner's Court reconvened into Open Session at 12:00 P.M.

XI. EXECUTIVE SESSION

1. Government Code:

- (1) *Sec. 551.071*- Government Code, Consultation with Attorney, Pending Litigation, Fuller v. Johnson County Sheriff Department, et al, Civil Action No. 3:13-cv-00231-P, United States District Court for the Northern District of Texas.

No Action.

The Commissioner's Court recessed at 12:00 P.M. and reconvened at 1:30 P.M. to consider the following:

X. WORKSHOP

The Commissioner's Court convened into Workshop Session at 1:31 P.M. to discuss [Dispatching of EMS Calls](#) to the Emergency Services District #1 Dispatch Center and CareFlite Contract.

The Commissioner's Court reconvened into Open Session at 2:06 P.M.

VIII. NEW BUSINESS

19. CONSIDERATION FOR EMERGENCY SERVICES DISTRICT #1 TO RECEIVE AND TRANSFER ALL EMS CALLS WITHIN JOHNSON COUNTY TO CAREFLITE

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve for Emergency Services District #1 to receive and transfer all EMS calls within Johnson County to CareFlite.

All voted aye; motion carried.

X. WORKSHOP

The Commissioner's Court convened into Workshop Session at 2:08 P.M. to discuss Verbal and Written Quotes for Purchase Orders.

The Commissioner's Court reconvened into Open Session at 2:35 P.M.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 2:35 P.M.

Submitted by: \_\_\_\_\_  
County Clerk  
Becky Williams

Approved by: \_\_\_\_\_  
County Judge  
Roger Harmon