

STATE OF TEXAS

March 25, 2013

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 25th day of March, 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 9:00 A.M., with all members present, and following the Invocation led by Pete Hobby, and the Pledge of Allegiance, the following items, having been lawfully posted and filed for record in the Office of the County Clerk on March 21, 2013 at 9:45 A.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

Judge Harmon announced that the Cleburne Christian Business Club is holding meetings this week during Holy Week at the Cleburne Conference Center, at 7:00 A.M. each day and invited the public to attend. He also stated that Wednesday, March 27, 2013 is Johnson County's day to host the prayer meetings for Holy Week.

1. PRESENTATION OF PLAQUE TO JOHNSON COUNTY EMPLOYEES FROM THE UNITED WAY FOR BEING A TOP CONTRIBUTOR TO THE 2012 UNITED WAY CAMPAIGN

A plaque was presented to Johnson County Employees from the United Way for being a Top Contributor to the 2012 United Way Campaign.

2. PRESENTATION OF 2012 COMPREHENSIVE ANNUAL FINANCIAL REPORT

Kirk Kirkpatrick, County Auditor informed the Court that the report was not ready at this time but would be presented at the next Commissioner's Court meeting.

V. PUBLIC PARTICIPATION

None.

VI. PUBLIC HEARINGS

The Commissioner's Court opened a Public Hearing at 9:09 A.M. to discuss:

1. "LICENSE TO OPERATE JUNKYARD TO BE LOCATED AT 4531 S. I-35, ALVARADO, TEXAS, JOHNSON COUNTY PRECINCT #3"

Moz Malik, CEO with [Alvarado Scrap Metal & Recycling](#) spoke in favor of the junkyard. Jay Zingerli, 4501 S. I-35, Alvarado, Texas spoke in opposition to the junkyard due to what he thought would be an increased risk of fire to his property. Commissioner Stringer asked for clarification of the placement of the fencing along the back of the property. Commissioner Stringer also reminded Mr. Malik that tire burning is illegal and would not be tolerated at the facility. The hearing was closed at 10:01 A.M.

VII. PRECEDING BUSINESS

1. CONSIDERATION OF ORDER #2013-09 – "LICENSE TO OPERATE JUNKYARD TO BE LOCATED AT 4531 S. I-35, ALVARADO, TEXAS, JOHNSON COUNTY PRECINCT #3"

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve [Order #2013-09](#), "License to Operate Junkyard to be Located at 4531 S. I-35, Alvarado, Texas, Johnson County Precinct #3" with the following stipulations; that Mr. Malik puts road base in the work area to avoid fire danger, constructs an eight (8) foot metal fence between Mr. Zingerli's property and the proposed junkyard to abate noise and fire issues, and is to be done within a sixty (60) day timeframe.

All voted aye; motion carried.

The Commissioner's Court recessed at 10:05 A.M. and reconvened at 10:19 A.M. to consider the following:

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 #2013-10** – "APPROVING THE JOHNSON COUNTY TREASURER'S REPORT TO THE COMMISSIONER'S COURT"

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve [Order #2013-10](#), "Approving the Johnson County [Treasurer's Report](#) to the Commissioner's Court".

All voted aye; motion carried.

VIII. UNFINISHED BUSINESS

4. CONSIDERATION OF RECURRING ITEMS CONCERNING MARKET SQUARE

a. Consideration of Agreement for Maintenance and Operation of the Market Square Property Between Johnson County, Texas and the City of Cleburne

Comm. Bailey, seconded by Comm. Howell, made a motion to approve the [Agreement for Maintenance and Operation of the Market Square](#) Property between Johnson County, Texas and the City of Cleburne and to give the County Judge the authorization to sign.

All voted aye; motion carried.

IX. NEW BUSINESS

7. CONSIDERATION OF REPAIRS TO DAMAGED FLOORING IN THE KITCHEN AT THE JAIL

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve [repairs to damaged flooring](#) in the kitchen at the Jail in the amount of \$6,572.00.

All voted aye; motion carried.

VIII. UNFINISHED BUSINESS

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

a. Consideration of Structuring Final Payment for RBR

Comm. Stringer, seconded by Comm. Bailey, made a motion to approve of structuring [final payment for RBR per the attached letter](#) from Alan Magee and to authorize the payments to be made from General Fund.

All voted aye; motion carried.

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 REQUIREMENTS, AND CONTRACTS FOR THE ALVARADO SUB-COURTHOUSE BUILDING

a. Consideration of Proposal for Professional Land Surveying Services for the Alvarado Sub-Courthouse with Gorrondona & Associates, Inc. in the Amount of \$3,800.00

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the proposal for [professional land surveying services](#) for the Alvarado Sub-Courthouse with Gorrondona & Associates, Inc. in the amount of \$3,800.00.

All voted aye; motion carried.

IX. NEW BUSINESS

4. CONSIDERATION OF TRANSFER TO THE TEXAS HEALTH AND HUMAN SERVICES COMMISSION IN THE AMOUNT OF \$432,425.86 TO SERVE AS THE NON-FEDERAL SHARE OF PAYMENTS UNDER THE SECTION 1115 MEDICAID WAIVER PROGRAM

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve the [transfer to the Texas Health and Human Services Commission](#) in the amount of \$432,425.86 to serve as the non-federal share of payments under the Section 1115 Medicaid Waiver Program.

Comm. Bailey voted aye.
Comm. Howell voted aye.
Judge Roger Harmon voted aye.
Comm. Beeson voted aye.
Comm. Stringer voted nay.

Motion carried.

5. CONSIDERATION OF TRANSFER OF FUNDS IN THE AMOUNT OF \$200,000.00 FOR TEXAS HEALTH HARRIS METHODIST CLEBURNE UNDER THE 1115 MEDICAL WAIVER PROGRAM

Comm. Beeson, seconded by Comm. Howell, made a motion to approve the transfer of funds in the amount of \$200,000.00 for Texas Health Harris Methodist Cleburne under the 1115 Medical Waiver Program.

Comm. Bailey voted aye.
Comm. Howell voted aye.
Judge Roger Harmon voted aye.
Comm. Beeson voted aye.
Comm. Stringer voted nay.

Motion carried.

6. CONSIDERATION OF AGREEMENT FOR USE OF RADIO TRANSCEIVER EQUIPMENT BETWEEN JOHNSON COUNTY AND THE TEXAS ALCOHOLIC BEVERAGE COMMISSION

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

All voted aye; motion carried.

The Commissioner's Court recessed at 12:04 P.M. and reconvened at 1:32 P.M. to consider the following:

VII. PRECEDING BUSINESS

2. CONSIDERATION OF REQUEST TO PAY BILLS

Comm. Bailey, seconded by Comm. Howell, made an amended motion to [pay bills](#) as presented by the County Auditor and to include payment to Government Finance Officers Association (GFOA) in the amount of \$505.00.

All voted aye; motion carried.

IX. 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 BUDGET AMENDMENT PURSUANT TO THE LOCAL GOVERNMENT CODE [SECTION 111.0106](#) for:

a. Road & Bridge, Precinct #2-Auction Proceeds

Comm. Howell, seconded by Comm. Stringer, made a motion to approve Budget Amendment pursuant to the Local Government Code *Section 111.0106* for Road & Bridge, Precinct #2, Auction Proceeds in the amount of \$11,453.00 for proceeds from sale of equipment.

All voted aye; motion carried.

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

- a. Mineral Revenue Reserve-Transfer to 57000 \$1,087,948.00
- b. Motorola Simulcast Radio System-Capitalized Fees & Services \$1,724,587.00
- c. Motorola Simulcast Radio System-Transfers From Other Funds \$1,087,948.00
- d. Justice of the Peace, Precinct #4, Technology Fund-Fees & Services \$1,800.00

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve of **FY 2013** Budget Amendment pursuant to the Local Government Code *Section 111.010* for Mineral Revenue Reserve, Transfer to 57000 in the amount of \$1,087,948.00 for transfer to Motorola Simulcast Radio Fund 7030 for court approved change orders; Motorola Simulcast Radio System, Capitalized Fees & Services in the amount of \$1,724,587.00 to create budget for remaining cost of radio system to be paid to Motorola Radio; Motorola Simulcast Radio System, Transfers from Other Funds in the amount of \$1,087,948.00 for additional funding for court approved change orders to radio system with funds transferred from Mineral Revenue Reserve Fund 0510. Item (d) was not approved.

All voted aye; motion carried.

8. CONSIDERATION OF INCREASE OF SHRED ON SITE SHRED SERVICES TO EMPTY SHRED BOXES TWICE A MONTH WITH TWO EXTRA SACKS WITH A RECURRING EXPENSE OF \$66.00 PER MONTH-SHERIFF'S OFFICE

Comm. Bailey, seconded by Comm. Howell, made a motion to approve the [increase of shred on site shred services](#) to empty shred boxes twice a month with two extra sacks with a recurring expense of \$66.00 per month for the Sheriff's Office.

All voted aye; motion carried.

9. CONSIDERATION OF CLEBURNE ROTARY CLUB PLACING FLAGS ON THE COURTHOUSE SQUARE ON APRIL 21, 2013 FOR SAN JACINTO DAY AND JUNE 19, 2013 FOR EMANCIPATION DAY IN TEXAS

Comm. Bailey, seconded by Comm. Howell, made a motion to approve of [Clebune Rotary Club placing flags](#) on the Courthouse Square on April 21, 2013 for San Jacinto Day and June 19, 2013 for Emancipation Day in Texas.

All voted aye; motion carried.

10. CONSIDERATION OF APPOINTMENT OF PETE WRENCH TO THE JOHNSON COUNTY ECONOMIC DEVELOPMENT BOARD TO FILL THE UNEXPIRED TERM OF RESIGNING BOARD MEMBER RAY DANE-PRECINCT #1

Comm. Bailey, seconded by Comm. Howell, made a motion to approve the [appointment of Pete Wrench to the Johnson County Economic Development Board](#) to fill the unexpired term of resigning board member Ray Dane for Precinct #1.

All voted aye; motion carried.

11. CONSIDERATION OF SCHEDULE OF COSTS FOR PRECINCT ROAD REPAIR SERVICES

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the [Schedule of Costs for Precinct Road Repair Services](#), effective May 1, 2013.

All voted aye; motion carried.

12. CONSIDERATION OF APPOINTMENT OF A JOHNSON COUNTY COMMISSIONER TO REPRESENT THE COMMISSIONER'S COURT ON THE JOHNSON COUNTY TRANSPORTATION COMMITTEE

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve to appoint Commissioner Kenny Howell, Precinct #2, to represent the Commissioner's Court on the Johnson County Transportation Committee.

All voted aye; motion carried.

13. CONSIDERATION OF PARTICIPATION IN THE HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT WITH THE CITY OF CLEBURNE AND THE CITY OF FT. WORTH ON SATURDAY, MAY 18, 2013

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve of participation in the Household Hazardous Waste Collection Event with the City of Cleburne and the City of Ft. Worth on Saturday, May 18, 2013.

All voted aye; motion carried.

14. CONSIDERATION OF ONE YEAR RENEWAL OF THE CELLEBRITE CELL PHONE FORENSIC SOFTWARE FOR THE SHERIFF'S OFFICE-IT DEPARTMENT

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve of [one year renewal of the Cellbrite Cell Phone Forensic Software](#) for the Sheriff's Office.

All voted aye; motion carried.

15. CONSIDERATION TO GRANT A VARIANCE TO BUILD A SECOND RESIDENCE ON PROPERTY LOCATED IN WALLINGFORD PLACE, LOT 8, BLOCK 2, LOCATED IN PRECINCT #2

Comm. Howell, seconded by Comm. Bailey, made a motion to approve to [grant a variance to build a second residence](#) on property located in Wallingford Place, Lot 8, Block 2, located in Precinct #2.

All voted aye; motion carried.

16. CONSIDERATION TO DECLARE A 1998 ETNYRE MODEL K CHIP SPREADER SN #K625 FROM PRECINCT #1 AS SURPLUS UNDER LOCAL GOVERNMENT CODE 263.152 (a)(1)

Comm. Bailey, seconded by Comm. Howell, made a motion to approve to [declare a 1998 Etnyre Model K Chip Spreader SN #K625](#) from Precinct #1 as surplus under Local Government Code 263.152 (a)(1).

All voted aye; motion carried.

17. CONSIDERATION OF OFFER FROM HENDERSON COUNTY TO PURCHASE SURPLUS ETNYRE MODEL K CHIP SPREADER THAT HAS BEEN DECLARED SURPLUS UNDER LOCAL GOVERNMENT CODE 263.152 (a)(1) FOR \$37,000.00

Comm. Bailey, seconded by Comm. Howell, made a motion to approve of [offer from Henderson County to purchase surplus Etnyre Model K Chip Spreader](#) that has been declared surplus under Local Government Code 263.152 (a)(1) for \$37,000.00.

All voted aye; motion carried.

18. CONSIDERATION TO DECLARE MISCELLANEOUS ITEMS THAT HAVE BEEN DECLARED AS ABANDONED OR UNCLAIMED PROPERTY UNDER CRIMINAL CODE 18.17 AS SURPLUS UNDER LOCAL GOVERNMENT CODE 263.152(a)(1)

Comm. Bailey, seconded by Comm. Howell, made a motion to approve to [declare miscellaneous items](#) that have been declared as abandoned or unclaimed property under Criminal Code 18.17 as surplus under Local Government Code 263.152(a)(1).

All voted aye; motion carried.

19. CONSIDERATION OF USE OF EXISTING RADIO ANTENNA AND CABLING ON THE CLEBURNE RADIO TOWER FOR ARES WEATHER SPOTTING-EMERGENCY OPERATIONS DEPARTMENT

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the [use of existing radio antenna and cabling on the Cleburne radio tower](#) for ARES Weather Spotting.

All voted aye; motion carried.

X. CONSENT AGENDA

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

All voted aye; motion carried.

XI. WORKSHOP

The Commissioner's Court convened into Workshop Session at 2:03 P.M. to discuss CASA Weather Radar Overview, Radio Loan/Purchase Option to Other Governmental Entities and Reducing Maximum Compensatory Time Accumulations and Buy Back of Non-Exempt Employee Compensatory Time.

The Commissioner's Court reconvened into Open Session at 3:17 P.M. to consider the following:

IX. NEW BUSINESS

20. CONSIDERATION OF ALLOCATING FUNDS FOR PARTICIPATION IN THE INSTALLATION OF THE CASA RADAR SYSTEM-EMERGENCY OPERATIONS DEPARTMENT

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve of [allocating funds of up to \\$15,000.00 for participation in the installation](#) of the CASA Radar System for the Emergency Operations Department and to authorize Jamie Moore, Emergency Management Coordinator to represent Johnson County in this project.

All voted aye; motion carried.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 3:19 P.M.

Submitted by: _____
County Clerk
Becky Williams

Approved by: _____
County Judge
Roger Harmon