

STATE OF TEXAS

[December 23, 2013](#)

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 23rd day of December, 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 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 December 19, 2013 at 9:33 A.M., were considered:

IV. [WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS](#)

Judge Harmon announced that Virgil Ward, long time Johnson County employee, passed away yesterday afternoon. He also announced that Carolyn McCoy, Chief Deputy for the District Clerks' Office passed away last week. Judge Harmon asked that everyone keep their families in our thoughts and prayers. He also wished everyone a Merry Christmas.

V. [PUBLIC PARTICIPATION](#)

A. J. Mathieu spoke in regards to New Business #7 on this agenda. This item is for the Consideration of a Resolution Adopting the Power to Remove an Appointed Member of an Emergency Services District. Mr. Mathieu asked the Commissioner's Court to approve this Resolution.

VI. PUBLIC HEARINGS

The Commissioner's Court opened a Public Hearing at 9:07 A.M. to discuss:

1. CREATION OF ONE OR MORE COUNTY ENERGY TRANSPORTATION REINVESTMENT ZONES (CERTZ) AND THE BENEFITS TO THE COUNTY AND TO THE PROPERTY TO BE LOCATED IN THE PROPOSED ZONE(S) AND TO THE USE OR PROJECT(S) OF TAX INCREMENT PAID INTO THE TAX INCREMENT ACCOUNT, AS AUTHORIZED BY SECTION 222.1071 OF THE TEXAS TRANSPORTATION CODE

Comm. Stringer spoke about the requirements for the County to designate zone(s) to qualify for the grant dollars to assist the County in repairing roads and bridges affected by the oil and gas industries. Comm. Stringer stressed this was not an additional tax for the taxpayers. Comm. Bailey told the court that we have two (2) years to make the repairs, but the zone(s) would last ten (10) years. Judge Harmon spoke in favor of the CERTZ and said that the oil and gas companies favor it also. He also said it would not increase anyone's taxes in approving the zones. Comm. Beeson said he didn't want anyone to think that all County roads would be repaired using this money because of the amount of funding we would qualify for. Comm. Howell repeated this would not increase taxes for the taxpayer due to the money coming from the severance tax the oil and gas companies pay. There being no one else to present to speak, the hearing was closed at 9:17 A.M.

VII. PRECEDING BUSINESS

1. CONSIDERATION OF CREATION OF ONE OR MORE COUNTY ENERGY TRANSPORTATION REINVESTMENT ZONES (CERTZ) AND THE BENEFITS TO THE COUNTY AND TO THE PROPERTY TO BE LOCATED IN THE PROPOSED ZONE(S) AND TO THE USE OR PROJECT(S) OF TAX INCREMENT PAID INTO THE TAX INCREMENT ACCOUNT, AS AUTHORIZED BY SECTION 222.1071 OF THE TEXAS TRANSPORTATION CODE

Comm. Stringer, seconded by Comm. Howell, made a motion to approve the creation of one or more County Energy Transportation Reinvestment Zones (CERTZ) and the benefits to the County and to the property to be located in the proposed zone(s) and to the use or project(s) of tax increment paid into the Tax Increment Account, as authorized by Section 222.1071 of the Texas Transportation Code.

All voted aye; motion carried.

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

- a. November 13, 2013 – Special Session
- b. November 18, 2013 – Special Session

Comm. Bailey, seconded by Comm. Howell, made a motion to approve the Commissioner's Court Minutes for November 13, 2013 and November 18, 2013.

All voted aye; motion carried.

3. CONSIDERATION OF REQUEST TO PAY BILLS

Comm. Bailey, seconded by Comm. Beeson, made a motion to pay [bills as presented by the County Auditor](#) with the addition of an invoice from Voyager Fleet Systems, Inc. in the amount of \$33,483.95 for a fuel bill.

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 OF **ORDER #2013-37** – “APPROVING THE JOHNSON COUNTY TREASURER'S REPORT TO THE COMMISSIONER'S COURT”

Comm. Howell, seconded by Comm. Beeson, made a motion to approve [Order #2013-37](#) - “Approving the Johnson County [Treasurer's Report](#) to the Commissioner's Court”.

All voted aye; motion carried.

6. CONSIDERATION OF REPLAT FOR SADDLEBACK RANCH LOT 1R, BLOCK 1, SHOWING AN EASEMENT CHANGE-PRECINCT #3

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the [replat for Saddleback Ranch Lot 1R, Block 1](#), showing an easement change-Precinct #3.

All voted aye; motion carried.

7. CONSIDERATION OF RENEWAL OF RFP #2012-101 - BULK FUEL FOR JOHNSON COUNTY WITH LAMBERT OIL COMPANY

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the [renewal of RFP #2012-101 - Bulk Fuel](#) for Johnson County with Lambert Oil Company at the current pricing.

All voted aye; motion carried.

VIII. UNFINISHED BUSINESS

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

Pass.

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

Pass.

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

a. Consideration of Proposals from T. Smith Testing & Inspection, LLC for Construction Material Engineering Testing and Observation Services

Pass.

IX. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Stringer, seconded by Comm. Howell, 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. Indigent Defense Improvement-Fees & Services - \$720.00
- b. Sheriff's Office-Equipment Capital-\$110,000.00

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve FY 2013 Budget Amendment pursuant to the Local Government Code *Section 111.010* for Indigent Defense Improvement-Fees & Services to create a budget for DSL expense in the amount of \$720.00 and for Sheriff's Office-Equipment Capital for cost of upgrading the Johnson County Sheriff's Office Dispatch Center's current NICE analog phone logging recorder in the amount of \$110,000.00. This was approved during budget but was left off the funding of the Capital Projects Fund in error.

All voted aye; motion carried.

3. CONSIDERATION OF OPENING THE TIME CAPSULE FROM THE 1992 JOHNSON COUNTY COURTS BUILDING

Comm. Bailey, seconded by Comm. Howell, made a motion to approve of opening the time capsule from the 1992 Johnson County Courts Building, with the contents to be displayed in the Museum located on the first floor of the Johnson County Courthouse..

All voted aye; motion carried.

4. CONSIDERATION OF COLLECTION OF FEE FOR EACH ELECTRONIC FILING TRANSACTION TO COVER ACTUAL OPERATING COSTS PURSUANT TO SUBCHAPTER C, CHAPTER 72, GOVERNMENT CODE, SECTION 72.031-DISTRICT CLERK'S OFFICE

Comm. Bailey, seconded by Comm. Howell, made a motion to approve the [collection of fee in the amount of \\$2.00 for each electronic filing](#) transaction to cover actual operating costs pursuant to Subchapter C, Chapter 72, Government Code, Section 72.031-District Clerk's Office.

All voted aye; motion carried.

VIII. UNFINISHED BUSINESS

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

Disc. No Action.

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

Disc. No Action.

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

- a. Consideration of Proposals from T. Smith Testing & Inspection, LLC for Construction Material Engineering Testing and Observation Services

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the [Proposals from T. Smith Testing & Inspection, LLC](#) for Construction Material Engineering Testing and Observation Services.

All voted aye; motion carried.

IX. NEW BUSINESS

5. CONSIDERATION OF CONTRACT RENEWAL INVOICE FOR JETSCAN (CURRENCY COUNTER) MAINTENANCE WITH CUMMINS-ALLISON CORP. FOR JANUARY 20, 2014 TO 19, 2015 IN THE AMOUNT OF \$500.00-TREASURER'S OFFICE

Comm. Howell, seconded by Comm. Beeson, made a motion to approve the [Contract Renewal Invoice for JETSCAN](#) (Currency Counter) Maintenance with Cummins-Allsion Corp. for January 20, 2014 to 19, 2015 in the amount of \$500.00-Treasurer's Office.

All voted aye; motion carried.

6. CONSIDERATION OF JOHNSON COUNTY CONTRACT TERMS ADDENDUM – EVERBRIDGE, INC. FOR EMERGENCY NOTIFICATION PLATFORM-EMERGENCY MANAGEMENT OFFICE

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the [Johnson County Contract Terms Addendum – Everbridge, Inc.](#) for Emergency Notification Platform, is to be paid out of the CRI Grant Fund and to give the County Judge the authorization to sign-Emergency Management Office.

All voted aye; motion carried.

7. CONSIDERATION OF RESOLUTION ADOPTING THE POWER TO REMOVE AN APPOINTED MEMBER OF AN EMERGENCY SERVICES DISTRICT –PRECINCT #1

Comm. Bailey made a motion to approve the Resolution Adopting the Power to Remove an Appointed Member of an Emergency Services District –Precinct #1.

Motion died for lack of a second.

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

All voted aye; motion carried.

8. CONSIDERATION OF THE ISSUANCE OF A SEPTIC PERMIT FOR A RENOVATED EXISTING BARN LOCATED ON 115 ACRE TRACT ALONG PARK ROAD 21 - PRECINCT #1

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the [issuance of a septic permit for a renovated existing barn](#) located 115 acre tract along Park Road 21- Precinct #1.

All voted aye; motion carried.

9. CONSIDERATION OF SURVEY 4th RADIO TOWER SITE LOCATION AT THE RETREAT-PRECINCT #1

Comm. Bailey, seconded by Comm. Howell, made a motion to approve to survey 4th radio tower site location at The Retreat and is to include an easement or right of way for ingress and egress for the County-Precinct #1.

All voted aye; motion carried.

10. CONSIDERATION OF CHANGE ORDER ON PROPOSAL WITH MOTOROLA SOLUTIONS FOR 4th RADIO TOWER SITE AT FISHERMAN'S PARADISE FOR LOCATION CHANGE FROM FISHERMAN'S PARADISE TO THE RETREAT-PRECINCT #1

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the [change order on proposal with Motorola Solutions for 4th radio tower](#) site at Fisherman's Paradise for location change from Fisherman's Paradise to The Retreat and to give the County Judge the authorization to sign-Precinct #1.

All voted aye; motion carried.

The Commissioner's Court recessed at 10:53 A.M. and reconvened at 11:13 A.M. to consider the following:

11. CONSIDERATION OF RETAINER AGREEMENT WITH ALLISON, BASS & ASSOCIATES, L.L.P. FOR LEGAL COUNSEL TO REPRESENT JOHNSON COUNTY IN THE CREATION AND ADMINISTRATION OF A COUNTY ENERGY TRANSPORTATION REINVESTMENT ZONE (CETRZ) AND PREPARATION AND SUBMISSION OF AN APPLICATION FOR CERTZ GRANTS ADMINISTERED BY THE TEXAS DEPARTMENT OF TRANSPORTATION-PRECINCT #4

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the [Retainer Agreement with Allison, Bass & Associates](#), L.L.P. for legal counsel to represent Johnson County in the creation and administration of a County Energy Transportation Reinvestment Zone (CETRZ) and preparation and submission of an application for CERTZ Grants administered by the Texas Department of Transportation for a flat fee of \$5,000.00 if the grant money is received, will continue to represent Johnson County after the grant is received and to give the County Judge the authorization to sign-Precinct #4.

Comm. Bailey	Aye
Comm. Howell	Aye
Comm. Stringer	Aye
Comm. Beeson	Aye
Judge Harmon	Abstained

Motion carried.

12. CONSIDERATION TO DECLARE MISCELLANEOUS ITEMS AS SURPLUS PURSUANT TO LOCAL GOVERNMENT CODE SECTION 263.152(a)(1) AND PLACE ON RENE BATES AUCTION FOR SALE-PURCHASING DEPARTMENT

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve to [declare miscellaneous items as surplus](#) pursuant to Local Government Code Section 263.152(a)(1) and place on Rene Bates Auction for sale-Purchasing Department.

All voted aye; motion carried.

13. CONSIDERATION OF APPRAISAL REPORTS ON JOHNSON COUNTY PROPERTIES: 113-121 W. CHAMBERS, 104 S. MAIN, 116 S. MILL AND 102 S. MILL, CLEBURNE, TEXAS-PURCHASING DEPARTMENT

Comm. Bailey, seconded by Comm. Howell, made a motion to approve the [appraisal reports on Johnson County properties](#): 113-121 W. Chambers, 104 S. Main, 116 S. Mill and 102 S. Mill, Cleburne, Texas-Purchasing Department. The address of 102 S. Mill, Cleburne, Texas was incorrectly submitted for the agenda and should be listed as 102 S. Main, Cleburne, Texas.

All voted aye; motion carried.

14. CONSIDERATION OF ELECTION SYSTEMS & SOFTWARE, LLC
PAYMENT GUARANTEE AGREEMENT FOR ELECTION SERVICES TO
JOHNSON COUNTY DEMOCRATIC PARTY FOR THE MARCH 4, 2014
TEXAS PRIMARY ELECTION-ELECTIONS DEPARTMENT

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the Election Systems & Software, LLC Payment Guarantee Agreement for Election Services to [Johnson County Democratic Party for the March 4, 2014](#) Texas Primary Election and to give the County Judge the authorization to sign-Elections Department.

All voted aye; motion carried.

15. CONSIDERATION OF ELECTION SYSTEMS & SOFTWARE, LLC
PAYMENT GUARANTEE AGREEMENT FOR ELECTION SERVICES TO
JOHNSON COUNTY REPUBLICAN PARTY FOR THE MARCH 4, 2014
TEXAS PRIMARY ELECTION-ELECTIONS DEPARTMENT

Comm. Howell, seconded by Comm. Stringer, made a motion to approve the Election Systems & Software, LLC Payment Guarantee Agreement for Election Services to [Johnson County Republican Party for the March 4, 2014](#) Texas Primary Election and to give the County Judge the authorization to sign-Elections Department.

All voted aye; motion carried.

16. CONSIDERATION OF CONTINUATION CERTIFICATE FOR PATRICIA
BOURGEOIS, JOHNSON COUNTY ELECTIONS ADMINISTRATOR

Comm. Bailey, seconded by Comm. Howell, made a motion to approve the [Continuation Certificate for Patricia Bourgeois](#), Johnson County Elections Administrator.

All voted aye; motion carried.

17. CONSIDERATION OF BOND OF TAX ASSESSOR AND COLLECTOR

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the [Bond of Tax Assessor and Collector, Scott Porter](#) and to give the County Judge the authorization to sign.

All voted aye; motion carried.

18. CONSIDERATION OF PURCHASE AGREEMENT BETWEEN MOTOROLA SOLUTIONS, INC., AND JOHNSON COUNTY, TEXAS FOR COMMUNICATIONS PRODUCTS AND SERVICES REGARDING NICE NEXT GEN NPX/NRX TELEPHONY LOGGING RECORDER, INFORM LITE APPLICATION AND LEGACY MEDIA TOOL-SHERIFF'S OFFICE

Comm. Bailey, seconded by Comm. Howell, made a motion to approve the [Purchase Agreement between Motorola Solutions](#), Inc., and Johnson County, Texas for Communications Products and Services regarding NICE Next Gen NPX/NRX Telephony Logging Recorder, Inform Lite Application and Legacy Media Tool in the amount of \$109,747.00 and to give the County Judge the authorization to sign-Sheriff's Office.

All voted aye; motion carried.

IX. CONSENT AGENDA

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

All voted aye; motion carried.

IX. NEW BUSINESS

18. CONSIDERATION OF PURCHASE AGREEMENT BETWEEN MOTOROLA SOLUTIONS, INC., AND JOHNSON COUNTY, TEXAS FOR COMMUNICATIONS PRODUCTS AND SERVICES REGARDING NICE NEXT GEN NPX/NRX TELEPHONY LOGGING RECORDER, INFORM LITE APPLICATION AND LEGACY MEDIA TOOL-SHERIFF'S OFFICE

Additional discussion.

BE IT KNOWN that Commissioner's Court met in Executive Session at 11:37 A.M. in accordance with Government Code: Section 551.072 Real Property (a) Lease of Real Property between Johnson County and Bank of America at #1 N. Main Street, Cleburne Texas, 103 South Mill Street, Cleburne Texas and Parking Lot West of Bank.

The Commissioner's Court reconvened into Open Session at 11:57 A.M.

XI. EXECUTIVE SESSION

1. Government Code: Section 551.072 Real Property
- a. Lease of Real Property between Johnson County and Bank of America at #1 N. Main Street, Cleburne Texas, 103 South Mill Street, Cleburne Texas and Parking Lot West of Bank

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve to authorize County Attorney, Bill Moore, and County Judge, Roger Harmon to negotiate the lease contract between Johnson County and Bank of America at #1 N. Main Street, Cleburne Texas, 103 South Mill Street, Cleburne Texas and Parking Lot West of Bank.

All voted aye; motion carried.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 11:59 A.M.

Submitted by: _____
County Clerk
Becky Williams

Approved by: _____
County Judge
Roger Harmon