

STATE OF TEXAS

December 28, 2009

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 28<sup>th</sup> day of December 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 Russ Weaver with Shepherd's Valley Cowboy Church, 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 22, 2009 at 9:19 A.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

A plaque was presented to Gerald Mohr, Emergency Management Coordinator for his dedicated service to Johnson County.

David Guinn gave a presentation concerning the United States Census 2010.

V. PUBLIC PARTICIPATION

Mark Watson donated a Bible owned by Elbert Monroe Heath, founder of Johnson County for the Johnson County Museum.

The Commissioner's Court recessed at 9:44 A.M. and reconvened at 10:06 A.M. to consider the following:

## VI. PUBLIC HEARINGS

The Commissioner's Court opened a Public Hearing at 10:07 A.M. to discuss:

1. "IN ACCORDANCE WITH CHAPTER 343 OF THE TEXAS HEALTH & SAFETY CODE, THE PREMISES LOCATED AT 11116 FOOTHILLS DR., VENUS, TEXAS 76084, HAS BEEN IDENTIFIED AS A PUBLIC NUISANCE AND GREG MELSON 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 and Safety Code, the premises located at 11116 Foothills Dr., Venus, Texas 76084, having been identified as a Public Nuisance and Greg Melson has been identified as the person responsible for causing or maintaining a public nuisance on the premises. He stated the property presents a habitat for rats, rodents, roaches and vermin and other types of insects. Deputy Keith Hutchison went to the property in June of 2009 and identified the property with overgrown grass and weeds. He found the owners, Patrick and Angela Embry on the Johnson County Appraisal Roll. A case was filed in Justice of the Peace, Precinct #3. Patrick and Angela Embry went to Justice of the Peace, Precinct #3 and presented paperwork showing that the property was foreclosed on by Midland Mortgage out of Oklahoma City. The case was dismissed. Midland Mortgage was contacted and the property was cleaned up. The mobile home was also removed. It now has overgrown grass and weeds and photos were taken and a violation letter was sent to Midland Mortgage and Greg Melson. Detective Shaw received no response. A Notice of Nuisance letter was sent by certified mail to Midland Mortgage and Greg Melson. On December 5, 2009 there was still no action taken to clean the property. The hearing was closed at 10:12 A.M.

The Commissioner's Court opened a Public Hearing at 10:12 A.M. to discuss:

2. “IN ACCORDANCE WITH CHAPTER 343 OF THE TEXAS HEALTH & SAFETY CODE, THE PREMISES LOCATED AT 11017 FOOTHILLS DR., VENUS, TEXAS 76084, HAS BEEN IDENTIFIED AS A PUBLIC NUISANCE AND ANDREW HOHENSEE 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 and Safety Code, the premises located at 11017 Foothills Dr., Venus, Texas 76084, having been identified as a Public Nuisance and Andrew Hohensee has been identified as the person responsible for causing or maintaining a public nuisance on the premises. He stated the property presents a habitat for rats, rodents, roaches and vermin and other types of insects. Deputy Keith Hutchison started this case on June, 2009. Deputy Hutchison found this property on the Johnson County Appraisal Roll and found the owners address in South Carolina. A Notice of Violation letter was sent certified mail to the owners. No action was taken to clean the property. A certified letter was sent to Wells Fargo Mortgage and faxed to code violations department of Wells Fargo. A response was sent by Wells Fargo stating their people were to go to work to clean up the property. Again no action was taken at the end of the Abatement period. A certified Notice of Nuisance letter was sent to Andrew Hohensee and to Wells Fargo. Detective Shaw returned to this property on December 8, 2009 and saw two (2) tarps were placed on the roof of the mobile home. Portions had been mowed but not the whole property. He in turn sent another letter to Mr. Hohensee stating he appreciated the attempt to clean the property up but that the whole property needed to be taken care of or the case would be presented to Commissioner's Court for Abatement. He received no response. The hearing was closed at 10:19 A.M.

VII. PRECEDING BUSINESS

1. CONSIDERATION OF **ORDER #2009-28** AUTHORIZING USE OF COUNTY PERSONNEL AND RESOURCE FOR THE ABATEMENT OF A PUBLIC NUISANCE LOCATED AT **11116 FOOTHILLS DR., VENUS, TEXAS 76084**

Comm. Stringer, seconded by Comm. Bailey, made a motion approving **Order #2009-28** to authorize the use of County Personnel and resources for the Abatement of a Public Nuisance in accordance with Chapter 343 of the Texas Health and Safety Code, the premises located at **11116 Foothills Dr., Venus, Texas 76084**, having been identified as a Public Nuisance and Greg Melson has been identified as the person responsible for causing or maintaining a public nuisance on the premises. If the finding of Public Nuisance does exist, that Johnson County access the cost of abating the nuisance and cost of legal notification by legal publications and administrative cost of \$100.00.

All voted aye; motion carried.

2. CONSIDERATION OF **ORDER #2009-29** AUTHORIZING USE OF COUNTY PERSONNEL AND RESOURCE FOR THE ABATEMENT OF A PUBLIC NUISANCE LOCATED AT **11017 FOOTHILLS DR., VENUS, TEXAS 76084**

Comm. Stringer, seconded by Comm. Matthews, made a motion approving **Order #2009-29** to authorize the use of County Personnel and resources for the Abatement of a Public Nuisance in accordance with Chapter 343 of the Texas Health and Safety Code, the premises located at **11017 Foothills Dr., Venus, Texas 76084**, having been identified as a Public Nuisance and Andrew Hohensee has been identified as the person responsible for causing or maintaining a public nuisance on the premises. If the finding of Public Nuisance does exist, that Johnson County access the cost of abating the nuisance and cost of legal notification by legal publications and administrative cost of \$100.00.

All voted aye; motion carried.

3. CONSIDERATION OF REQUEST TO PAY BILLS

Comm. Matthews, seconded by Comm. Stringer, made a motion to pay bills as presented by the County Auditor with the addition of an invoice from the Andrew Joseph Company in the amount of \$15,097.00.

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 TREASURER'S REPORT TO THE COMMISSIONER'S COURT

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the Treasurer's Report as presented by the County Treasurer.

All voted aye; motion carried.

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

- a. October 26, 2009-Regular Session
- b. November 9, 2009-Regular Session

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Commissioner's Court Minutes for October 26, 2009 and November 9, 2009 as submitted by the County Clerk.

All voted aye; motion carried.

7. CONSIDERATION OF PERPETUAL LEASE FOR PIPELINE RIGHT-OF-WAY EASEMENT, LOT 4, BLOCK 1 CREEKVIEW ADDITION, JOSHUA MINETT SURVEY ABSTRACT 548 LOCATED AT 247 ELK DRIVE BURLESON SUB COURTHOUSE, BURLESON, TEXAS-(RFP 2010-306)-PRECINCT #2

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the Perpetual Lease for Pipeline Right-of-Way Easement, Lot 4, Block 1 Creekview Addition, Joshua Minett Survey Abstract 548 located at 247 Elk Drive, Burleson Sub Courthouse Burleson, Texas (**RFP 2010-306**) in Precinct #2 and to give the County Judge the authorization to sign.

All voted aye; motion carried.

#### VIII. 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

Comm. Bailey, seconded by Comm. Beeson, made a motion for Change Order to add microphones in the amount of \$2,500.00 for the remodeling of the Old Band Hall for Justice of the Peace, Precinct #1 Offices.

All voted aye; motion carried.

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

No Action.

4. CONSIDERATION OF RECURRING ITEMS CONCERNING MARKET SQUARE

No Action.

5. CONSIDERATION OF RECURRING ITEMS CONCERNING HAMM CREEK PARK

Discussion. No Action.

6. CONSIDERATION OF RECURRING ITEMS CONCERNING NTTA/TXDOT-STATE HIGHWAY 121-SOUTHWEST PARKWAY/CHISHOLM TRAIL CORRIDOR

Discussion. No Action.

7. CONSIDERATION TO HIRE SURVEYOR TO SURVEY DAM SITE 32 FOR 30' PERMANENT EASEMENT OFF THE FRONTAGE ROAD OF INTERSTATE 35W

Comm. Stringer, seconded by Comm. Bailey, made a motion to approve to hire a surveyor to survey Dam Site 32 for 30' permanent easement off the frontage road of Interstate 35W.

All voted aye; motion carried.

8. CONSIDERATION OF AT&T MASTER AGREEMENT AND ILEC OPT-E-MAN SERVICE INTRASTATE SERVICE AGREEMENT FOR INTERNET UPGRADE

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the AT&T Master Agreement and ILEC Opt-E-Man Service Intrastate Services Agreement for internet upgrade and to give the County Judge the authorization to sign.

All voted aye; motion carried.

IX. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Matthews, seconded by Comm. Beeson, made a motion to advertise for bids/proposals for Precinct #2-two (2) used bobtail trucks.

All voted aye; motion carried.

2. CONSIDERATION OF BUDGET AMENDMENT PURSUANT TO THE LOCAL GOVERNMENT CODE SECTION 111.0106 FOR ROAD MATERIAL IN PRECINCT #2 BY EOG RESOURCES, INC. AND SOUTHWEST WATER

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve Budget Amendment pursuant to the Local Government Code *Section 111.0106* for Road Material in Precinct #2 by EOG Resources, Inc. in the amount of \$1,800.00 and Southwest Water in the amount of \$150.00.

All voted aye; motion carried.

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

- a. Justice of the Peace Precinct #1-Equipment Non-Capital
- b. Justice of the Peace Precinct #4-Equipment Non-Capital

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve Budget Amendment pursuant to the Local Government Code *Section 111.010-C* for Justice of the Peace Precinct #1-Equipment Non-Capital to purchase a scanner in the amount of \$200.00 and a TV in the amount of \$2,679.00; and for Justice of the Peace Precinct #4-Equipment Non-Capital to purchase a safe in the amount of \$260.00.

All voted aye; motion carried.

4. CONSIDERATION OF RESOLUTION CALLING FOR A PRIMARY ELECTION WITH DEMOCRATIC PARTY

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the Resolution calling for a Primary Election with the Democratic Party.

All voted aye; motion carried.

5. CONSIDERATION OF RESOLUTION CALLING FOR A PRIMARY ELECTION WITH REPUBLICAN PARTY



Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the Resolution calling for a Primary Election with the Republican Party.

All voted aye; motion carried.

6. CONSIDERATION OF DISPOSITION OF SURPLUS ITEM UNDER LOCAL GOVERNMENT CODE 263.152

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the disposition of surplus item under Local Government Code 263.152 for a S-H trailer from the Sheriff's Office to be placed on Rene Bates online auction.

All voted aye; motion carried.

7. CONSIDERATION TO TRANSFER A 1999 DODGE VAN FROM ISS TO THE SHERIFF'S OFFICE

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve to transfer a 1999 Dodge Van from ISS to the Sheriff's Office.

All voted aye; motion carried.

8. CONSIDERATION OF IMPROVEMENTS TO THE CONSTABLE PRECINCT #1 OFFICES AT THE LEC BUILDING

Comm. Bailey, seconded by Comm. Beeson made a motion to approve the improvements to Constable Precinct #1 Offices at the LEC Building in the amount of \$6,904.85.

All voted aye; motion carried.

9. CONSIDERATION TO TRANSFER THE CONSTABLE PRECINCT #1 ASAP COMMISSION AND BUDGET TO THE SHERIFF'S DEPARTMENT

Comm. Bailey, seconded by Comm. Matthews, to table this item.

All voted aye; motion carried.

10. CONSIDERATION TO HIRE A PART-TIME DEPUTY FOR THE PRECINCT #1 CONSTABLE'S OFFICE

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve to hire a part-time Deputy for the Precinct #1 Constable's Office in the amount of \$12.50 per hour and 30 hours per week.

All voted aye; motion carried.

11. CONSIDERATION OF THREE (3) CASH DRAWERS FOR THE JUSTICE OF THE PEACE PRECINCT #4 OFFICE

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve three (3) cash drawers for the Justice of the Peace Precinct #4 Office in the amount of \$100.00 for each drawer.

All voted aye; motion carried.

12. CONSIDERATION OF SERVICES AGREEMENT WITH TEXAS HEALTH HARRIS METHODIST HOSPITAL CLEBURNE FOR DRUG SCREENING

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the Services Agreement with Texas Health Harris Methodist Hospital Cleburne for drug screening and to give the County Judge the authorization to sign.

All voted aye; motion carried.

13. CONSIDERATION TO CREATE A POSITION FOR A FULL-TIME MECHANIC- PRECINCT #1

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve to create a position for a full time mechanic with a salary amount of \$31,000.00 per year for Commissioner, Precinct #1 until April 1, 2010.

All voted aye; motion carried.

X. CONSENT AGENDA

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the Consent Agenda.

All voted aye; motion carried.

XI. WORKSHOP

The Commissioner's Court convened into Workshop Session at 11:39 P.M. to discuss the Emergency Operations Center Grant.

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

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 12:12 P.M.

Submitted by: \_\_\_\_\_  
County Clerk  
Curtis H. Douglas

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

