

STATE OF TEXAS

[December 27, 2010](#)

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 27th day of December, 2010, 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 Rev. Mark Ely, Pastor of College Heights Baptist Church, Cleburne 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 21, 2010 at 1:05 P.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

1. PRESENTATION OF PLAQUE TO DELORIS JOHNSTON OF THE DPS OFFICE

Commissioner's Court presented a plaque to Deloris Johnston of the DPS Office in appreciation of 32 years of loyal service and dedication to Johnson County and its citizens.

2. PRESENTATION OF AWARD OF FINANCIAL REPORTING ACHIEVEMENT TO THE COUNTY AUDITOR, J. R. "KIRK" KIRKPATRICK

County Judge Roger Harmon [presented the Award of Financial Reporting](#) Achievement to the County Auditor, J. R. "Kirk" Kirkpatrick.

V. PUBLIC PARTICIPATION

None.

VI. PUBLIC HEARINGS

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

1. "IN ACCORDANCE WITH CHAPTER 343 OF THE TEXAS HEALTH & SAFETY CODE, THE PREMISES LOCATED AT 3512 CR-607, ALVARADO, TEXAS 76009, HAS BEEN IDENTIFIED AS A PUBLIC NUISANCE AND JP MORGAN CHASE BANK (C/O WHHGP MANAGEMENT, LLC) 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 **3512 CR-607, Alvarado, Texas 76009**, has been identified as a public nuisance and **JP Morgan Chase Bank (c/o WHHGP Management, LLC)** has been identified as the person responsible for causing or maintaining a public nuisance on the premises. Detective Shaw said his first response to this property was on September 15, 2010 and at that time found an abandoned, double-wide mobile home on the property. The property was overgrown with grass and weeds and had piles of debris on it and Detective Shaw thought this condition would attract and/or harbor mosquitoes, rats, rodents and other pests. Photographs were taken of the property. Detective Shaw checked with Central Appraisal District and determined the property was not part of a platted subdivision but according to the law, if the property is immediately adjacent to and/or contiguous to a platted subdivision, then it is part of a neighborhood. Therefore, the law does apply to this property because it is next to a platted subdivision. Notice of Violation letters were sent to **JP Morgan Chase Bank** in New York City and to their registered agent, **WHHGP Management, LLC** in Houston and they were given a 45 day abatement period. Detective Shaw revisited the property on November 4, 2010 and no work had been done on the property and at that time Notice of Nuisance letters were sent to both locations again, stating today's date as the date for the public hearing. Detective Shaw returned

to the property on December 17, 2010 and found that someone had mowed a 20 foot perimeter around the house itself, but the remainder of the property was left in the overgrown condition and the pile of debris was still on the porch. This property is not in compliance with the law so it is being presented today along with photographs of the property. The hearing was closed at 9:15 A.M.

The Commissioner's Court opened a Public Hearing at 9:15 A.M. to discuss:

2. **RFB #2011-407 LEASE OF COUNTY OWNED LAND FOR MINERAL DEVELOPMENT FOR PROPERTY DESCRIBED AS FOLLOWS: 118 SOUTH FRIOU STREET, ALVARADO, TX 76009., ALL OF THAT CERTAIN SOUTH 19.0 FEET OF LOT 7 AND ALL OF LOT 8, A SUBDIVISION OF LOT 2, BLOCK 29, ORIGINAL TOWN ADDITION TO THE CITY OF ALVARADO, JOHNSON COUNTY, TX, ACCORDING TO THE OFFICIAL MAP RECORDED IN VOLUME 26, PAGE 640, DEED RECORDS OF JOHNSON COUNTY TX. ALVARADO SUB-COURTHOUSE 0.183 ACRES OF ANDREW PATTON SURVEY, ABSTRACT 684-PRECINCT #3**

There being no one present to speak, the hearing was closed at 9:17.

VII. PRECEDING BUSINESS

1. **CONSIDERATION OF ORDER #2010-31 – AUTHORIZING USE OF COUNTY PERSONNEL AND RESOURCE FOR THE ABATEMENT OF A PUBLIC NUISANCE LOCATED AT 3512 CR-607, ALVARADO, TEXAS 76009**

Comm. Stringer, seconded by Comm. Bailey, made a motion to approve **Order #2010-31** Authorizing Use of County Personnel and Resources for the Abatement of a Public Nuisance located at **3512 CR 607, Alvarado, Texas 76009.**

All voted aye; motion carried.

2. CONSIDERATION TO AWARD **RFB #2011-407**- LEASE OF COUNTY OWNED LAND FOR MINERAL DEVELOPMENT FOR PROPERTY DESCRIBED AS FOLLOWS: 118 SOUTH FRIOU STREET, ALVARADO, TX 76009., ALL OF THAT CERTAIN SOUTH 19.0 FEET OF LOT 7 AND ALL OF LOT 8, A SUBDIVISION OF LOT 2, BLOCK 29, ORIGINAL TOWN ADDITION TO THE CITY OF ALVARADO, JOHNSON COUNTY, TX, ACCORDING TO THE OFFICIAL MAP RECORDED IN VOLUME 26, PAGE 640, DEED RECORDS OF JOHNSON COUNTY TX. ALVARADO SUB-COURTHOUSE 0.183 ACRES OF ANDREW PATTON SURVEY, ABSTRACT 684-PRECINCT #3

Comm. Stringer, seconded by Comm. Matthews, made a motion to award **RFB #2011-407**, [Lease of County owned land for mineral development](#) for property described as follows: 118 South Friou Street, Alvarado, TX 76009, all of that certain south 19.0 feet of Lot 7 and all of Lot 8, a subdivision of Lot 2, Block 29, Original Town Addition to the City of Alvarado, Johnson County, TX, according to the Official Map recorded in Volume 26, Page 640, Deed Records of Johnson County, TX Alvarado Sub-Courthouse 0.183 acres of Andrew Patton Survey, Abstract 684 in Precinct #3 to Chesapeake Exploration, L.L.C. for 3 years for \$2,600.00 bonus per acre for a total bonus of \$475.80 with a 25% royalty at the well head and to give the County Judge the authorization to sign.

All voted aye; motion carried.

3. CONSIDERATION OF REQUEST TO PAY BILLS

Comm. Matthews, 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 OF **ORDER #2010-29** APPROVING THE JOHNSON COUNTY TREASURER'S REPORT TO THE COMMISSIONER'S COURT

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve [Order #2010-29](#) approving the Johnson County [Treasurer's Report](#) to the Commissioner's Court.

All voted aye; motion carried.

6. CONSIDERATION OF FINAL PLAT OF LOTS 1 AND 2, BLOCK 1, THOMPSON ADDITION – PRECINCT #4

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the final plat of Lots 1 and 2, Block 1, **Thompson Addition** in Precinct #4.

All voted aye; motion carried.

7. CONSIDERATION OF RFP'S:

a. **RFP 2008-140-Renewal for Oil Changes, Filters and Lubes for Johnson County**

Comm. Bailey, seconded by Comm. Beeson, made a motion to [approve RFP 2008-140 for renewal](#) for Oil Changes, Filters and Lubes for Johnson County with Rogers Lube Service at the current pricing.

All voted aye; motion carried.

b. **RFP 2010-312-Renewal for Road Signs and Markers for Johnson County**

Comm. Matthews, seconded by Comm. Beeson, made a motion to [approve RFP 2010-312 for renewal](#) for Road Signs and Markers for Johnson County with Custom Products at the current pricing.

All voted aye; motion carried.

c. **RFP 2010-314-Renewal for Estray Animals for Johnson County**

Comm. Stringer, seconded by Comm. Beeson, made a motion to [approve RFP 2010-314 for renewal](#) of Estray Animals for Johnson County with Richard E. Darby at the current pricing.

All voted aye; motion carried.

- d. **RFP 2011-405-Award for Air Conditioning Units and Controls for Burleson Sub-Courthouse-Precinct #2**

Comm. Matthews, seconded by Comm. Bailey, made a motion to [award RFP 2011-405 for Air Conditioning Units](#) and Controls for Burleson Sub-Courthouse in Precinct #2 to Enviromatic Services in the amount of \$71,747.00

All voted aye; motion carried.

VIII. UNFINISHED BUSINESS

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

No Action.

4. **CONSIDERATION TO APPOINT DON BEESON, COMMISSIONER PRECINCT #4 TO THE SURFACE TRANSPORTATION TECHNICAL COMMITTEE**

Comm. Matthews, seconded by Comm. Stringer, made a motion to appoint Don Beeson, Commissioner Precinct #4 to the Surface Transportation Technical Committee.

All voted aye; motion carried.

5. **CONSIDERATION OF LETTER OF AGREEMENT FROM GUINN AND MORRISON, ATTORNEYS, FOR REDISTRICTING SERVICES FOR JOHNSON COUNTY**

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the [Letter of Agreement from Guinn and Morrison](#), Attorneys, for redistricting services for Johnson County.

All voted aye; motion carried

IX. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Beeson, seconded by Comm. Bailey, made a motion to advertise for bids/proposals for a Class 2 Water Truck with a 2,000 gallon tank for Precinct #4.

All voted aye; motion carried.

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

a. Insurance Claims, Sheriff-Vehicle & Equipment Maintenance

Comm. Bailey, seconded by Comm. Matthews, made a motion to approve the Budget Amendment pursuant to the Local Government Code *Section 111.0106* for Insurance Claims in the Sheriff's Office for Vehicle & Equipment Maintenance from Texas Association of Counties (TAC) in the amount of \$380.00 for repair to damaged scales.

All voted aye; motion carried.

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

- a. Law Library-Equipment Non-Capital
- b. Justice of the Peace, Precinct #3 Tech Fund-Dues and Conferences
- c. JJAEP-Fees & Services
- d. District Attorney Forfeiture Fund-Part Time/Temporary, Workers Compensation, Unemployment, Cell Phone Allowance, FICA, Medicare, Petroleum Products, Auto Insurance

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Budget Amendment pursuant to the Local Government Code *Section 111.010-C* for Law Library, Equipment Non-Capital to purchase an office chair in the amount of \$266.00; Justice of the Peace, Precinct #3 Tech Fund, Dues and Conferences to attend a 20 hour seminar in March 2011, approved in Commissioner's Court on December 13, 2010 in the amount of \$800.00; JJAEP, Fees & Services to correct the original budget amount in the amount of \$7,251.00; and District Attorney Forfeiture Fund, Part Time/Temporary, Workers Compensation, Unemployment, Cell Phone Allowance, FICA, Medicare, Petroleum Products, Auto Insurance to create the budget for temporary position approved in Commissioner's Court on December 13, 2010 for the total amount of \$30,387.00.

All voted aye; motion carried.

4. CONSIDERATION TO ACCEPT LETTER FROM BARBARA ROBINSON, OFFICER-ELECT FOR TREASURER OF JOHNSON COUNTY, TEXAS STATING HER DECLINATION TO SERVE AS TREASURER OF JOHNSON COUNTY, TEXAS FOR THE TERM BEGINNING JANUARY 1, 2011

Comm. Matthews, seconded by Comm. Beeson, made a motion to [accept the letter from Barbara Robinson](#), Officer-Elect for Treasurer of Johnson County, Texas stating her declination to serve as Treasurer of Johnson County, Texas for the term beginning January 1, 2011.

All voted aye; motion carried.

5. CONSIDERATION TO APPOINT DEBBIE RICE AS THE TREASURER OF JOHNSON COUNTY, TEXAS FOR THE TERM BEGINNING JANUARY 1, 2011 TO SERVE UNTIL THE NEXT GENERAL ELECTION DUE TO THE DECLINATION OF BARBARA ROBINSON, OFFICER-ELECT, DECLINING TO SERVE AS TREASURER OF JOHNSON COUNTY, TEXAS FOR THE TERM BEGINNING JANUARY 1, 2011

Comm. Matthews, seconded by Comm. Bailey, made a motion to appoint Debbie Rice as the Treasurer of Johnson County, Texas for the term beginning January 1, 2011 to serve until the next General Election due to the declination of Barbara Robinson, Officer-Elect, declining to serve as Treasurer of Johnson County, Texas for the term beginning January 1, 2011.

All voted aye; motion carried.

6. CONSIDERATION OF BOND OF TAX ASSESSOR AND COLLECTOR

Comm. Beeson, seconded by Comm. Stringer, made a motion to [approve the Bond of Tax Assessor and Collector, Scott Porter.](#)

All voted aye; motion carried.

7. CONSIDERATION OF CONTINUATION CERTIFICATE BOND FOR PATTY BOURGEOIS, ELECTIONS ADMINISTRATOR

Comm. Stringer, seconded by Comm. Bailey, made a motion to [approve the Continuation Certificate Bond for Patty Bourgeois,](#) Elections Administrator.

All voted aye; motion carried.

8. CONSIDERATION OF FY 2010 CHAPTER 59 ASSET FORFEITURE REPORT BY LAW ENFORCEMENT AGENCY-CONSTABLE, PRECINCT #1

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve the FY 2010 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency from Constable, Precinct #1.

All voted aye; motion carried.

Commissioner Beeson exited the meeting at 9:35 A.M.

9. CONSIDERATION OF COPIER MAINTENANCE AGREEMENT WITH LASER TECH SOLUTIONS-VETERANS OFFICE

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the [Copier Maintenance Agreement with Laser Tech](#) Solutions for the Veteran's Office for the period from October 1, 2010 through September 30, 2011 in the amount of \$527.00 and to give the County Judge the authorization to sign.

All voted aye; motion carried.

Commissioner Beeson returned to the meeting at 9:37 A.M.

8. CONSIDERATION OF FY 2010 CHAPTER 59 ASSET FORFEITURE REPORT BY LAW ENFORCEMENT AGENCY-CONSTABLE, PRECINCT #1

Comm. Bailey, seconded by Comm. Stringer, made an amended motion to [approve the FY 2010 Chapter 59 Asset Forfeiture Report](#) by Law Enforcement Agency from Constable, Precinct #1 and to give the County Judge and Constable, Precinct #1 the authorization to sign.

All voted aye; motion carried.

10. CONSIDERATION TO DECLARE ITEMS AS SURPLUS UNDER LOCAL GOVERNMENT CODE SECTION 263.151-PURCHASING

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve to [declare items on the attached list as surplus](#) under Local Government Code *Section 263.151* for Purchasing.

All voted aye; motion carried.

11. CONSIDERATION OF ONIX NETWORKING GSA CUSTOMER AGREEMENT FOR LICENSING AS A SPAM SOLUTION FOR JOHNSON COUNTY-IT DEPARTMENT

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the [Onix Networking GSA Customer Agreement](#) for licensing as a spam solution for Johnson County and the IT Department in the amount of \$6,097.00 per year and to give the County Judge the authorization to sign.

All voted aye; motion carried.

12. CONSIDERATION OF RENEWAL OF ANTIVIRUS SOFTWARE WITH SOLID BORDER-IT DEPARTMENT

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the [renewal of antivirus software with Solid Border](#) and the IT Department for a period of three years in the amount of \$12,285.00.

All voted aye; motion carried.

X. CONSENT AGENDA

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

All voted aye; motion carried.

Commissioner's Court went into Executive Session at 9:44 A.M.

BE IT KNOWN that Commissioner's Court met in Executive Session at 9:44 A.M. in accordance with Government Code *Section. 551.07*-Consultation with Attorney, Pending Litigation Cause Number C201000714, Melba Bruce, Plaintiff, vs. Federal Home Loan Mortgage Corporation, Defendant, 413th Court.

The Commissioner's Court convened into Open Session at 9:55 A.M. to consider the following:

XII. EXECUTIVE SESSION

1. Government Code:

- a. *Sec. 551.071*-Consultation with Attorney, Pending Litigation Cause Number C201000714, Melba Bruce, Plaintiff, vs. Federal Home Loan Mortgage Corporation, Defendant, 413th District Court

Comm. Matthews, seconded by Comm. Bailey, made a motion to authorize the County Attorney to file an answer and defend the lawsuit and authorize expenses up to \$4,000.00 in the matter of Cause Number C201000714, Melba Bruce, Plaintiff, vs. Federal Home Loan Mortgage Corporation, Defendant, in the 413th District Court.

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.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 11:02 A.M.

Submitted by: _____

County Clerk
Becky Williams

Approved by: _____

County Judge
Roger Harmon