

STATE OF TEXAS

April 27, 2009

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 27th day of April 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 9:04 A.M., with all members present, and following the Invocation led by Earl Sides with Calvary Baptist Church, Cleburne, Texas and the Pledge of Allegiance, the following items, having been lawfully posted and filed for record in the Office of the County Clerk on April 23, 2009 at 1:02 P.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

1. PROCLAMATION FOR "CARLY LOVE DAY"

The Commissioner's Court proclaimed April 27, 2009 as "Carly Love Day".

2. PROCLAMATION FOR "BURLESON AREA FARMER'S MARKET MONTH"

The Commissioner's Court proclaimed May, 2009 as "Burleson Area Farmer's Market Month".

3. RECOGNITION OF EXTENSION VOLUNTEERS AND THEIR CONTRIBUTIONS WITHIN JOHNSON COUNTY

The Commissioner's Court recognized Extension Volunteers and their contributions within Johnson County.

V. PUBLIC HEARINGS

The Commissioner's Court opened a Public Hearing at 9:30 A.M. to discuss:

1. “IN ACCORDANCE WITH CHAPTER 343 OF THE TEXAS HEALTH & SAFETY CODE, THE PREMISES LOCATED AT 5900 CR 302, GRANDVIEW, JOHNSON COUNTY, TEXAS, HAS BEEN IDENTIFIED AS A PUBLIC NUISANCE AND DONALD EUGENE YINGST, JR. HAS BEEN IDENTIFIED AS THE PERSON RESPONSIBLE FOR CAUSING OR MAINTAINING A PUBLIC NUISANCE ON THE PREMISES.”

THE COMMISSIONER'S COURT WILL CONSIDER:

- a. Abatement of the Nuisance by Johnson County
- b. Assessment of Costs by Johnson County to the Person Responsible for Causing the Nuisance When that Person can be Identified; and
- c. A lien Against the Property by Johnson County on which the Nuisance Exists, if the Person Responsible for Causing the Nuisance has an Interest in the Property
- d. Assessment of an Administrative Fee of \$100.00 Against the Property and Assessment Against the Property of the Actual Costs of Abatement of the Nuisance Pursuant to Section 343 of the Texas Health and Safety Code

Jim Simpson, Assistant County Attorney questioned Detective Steve Shaw from the Johnson County Sheriff's Office who gave testimony regarding the nuisance at 5900 CR 302, Grandview, Texas. Detective Shaw stated that Donald Yingst, Jr. is the property owner and that notice was sent by certified mail to Mr. Yingst, Jr. at his residence in Las Vegas, Nevada. Detective Shaw's testimony explained that the property posed a danger in that it has over grown grass, scattered and piled debris, an unsecured dilapidated structure that is open to the environment, and is a fire hazard and a danger to other property owners surrounding the property. Detective Shaw provided photo exhibits of the property to the Court. Detective Shaw stated that the property is in need of clean up, removal of debris, mowing and securing the structure by boarding up the windows and openings.

Gene Wiggins a neighboring property owner also gave testimony of the property being a public nuisance at 5900 CR 302, Grandview, Texas and stated he believed the property to be a fire hazard.

Assistant County Attorney Simpson, Assistant County Attorney stated that the Abatement by the County is requested.

The hearing was closed at 9:40 A.M.

The Commissioner's Court opened a Public Hearing at 9:40 A.M. to discuss:

2. “TO PLACE TWO (2) ADDITIONAL STOP SIGNS AT THE INTERSECTION OF COUNTRY VISTA DRIVE AND WINDING OAKS LANE IN PRECINCT #3”

Commissioner Jerry Stringer, Precinct #3 spoke in reference to phone calls he received from home owners with concerns of safety issues and the request to add two (2) additional stop signs at the intersection of Country Vista Drive and Winding Oaks Lane in Precinct #3.

Pat Casale who resides at 3412 Country Vista Drive, spoke in reference to speeding vehicles at this intersection and her concerns for pedestrians. She stated that she felt the stop signs would help with the safety issue.

The hearing was closed at 9:44 A.M.

The Commissioner's Court opened a Public Hearing at 9:44 A.M. to discuss:

3. “TO DECREASE SPEED LIMIT ON COUNTRY VISTA DRIVE FROM THE INTERSECTION WITH ENCHANTED COURT TO THE INTERSECTION WITH HILLSIDE DRIVE IN PRECINCT #3”

Commissioner Jerry Stringer, Precinct #3 spoke in reference to a petition he received from home owners requesting a decrease in speed limit on Country Vista Drive from the intersection with Enchanted Court to the intersection with Hillside Drive in Precinct #3.

The hearing was closed at 9:51 A.M.

VI. PUBLIC PARTICIPATION

Pamela West spoke in reference to her concerns of errors, illegalities and voter fraud in the Rio Vista Local Option Elections.

VII. PRECEDING BUSINESS

1. CONSIDERATION OF **ORDER #2009-06** AUTHORIZING USE OF COUNTY PERSONNEL AND RESOURCE FOR THE ABATEMENT OF A PUBLIC NUISANCE LOCATED AT 5900 CR 302, GRANDVIEW, JOHNSON COUNTY, TEXAS

Comm. Beeson, seconded by Comm. Matthews, made a motion to approve **Order #2009-06** Authorizing Use of County Personnel and Resources for the Abatement of a Public Nuisance Located at 5900 CR 302, Grandview, Johnson County, Texas which includes cleaning up, hauling off trash, mowing the yard, securing the openings in the structure with plywood and to give the County Attorney the authorization to file a lien on this property.

All voted aye; motion carried.

2. CONSIDERATION OF **ORDER #2009-04** TO PLACE TWO (2) ADDITIONAL STOP SIGNS AT THE INTERSECTION OF COUNTRY VISTA DRIVE AND WINDING OAKS LANE IN PRECINCT #3

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve **Order #2009-04** to Place Two (2) Additional Stop Signs at the Intersection of Country Vista Drive and Winding Oaks Lane in Precinct #3.

All voted aye; motion carried.

3. CONSIDERATION OF **ORDER #2009-05** TO DECREASE SPEED LIMIT FROM 30 MPH TO 20 MPH ON COUNTRY VISTA DRIVE FROM THE INTERSECTION WITH ENCHANTED COURT TO THE INTERSECTION WITH HILLSIDE DRIVE-PRECINCT #3

Comm. Stringer, seconded by Comm. Matthews, made a motion to approve **Order #2009-05** to Decrease Speed Limit from 30 MPH to 20 MPH on Country Vista Drive from the Intersection with Enchanted Court to the Intersection with Hillside Drive in Precinct #3.

All voted aye; motion carried.

4. 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.

5. 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.

6. CONSIDERATION OF TREASURER'S REPORT

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

All voted aye; motion carried.

VIII. UNFINISHED BUSINESS

5. CONSIDERATION OF RECURRING ITEMS CONCERNING MARKET SQUARE AND UPDATE:

a. Letter to Mark Denton, Texas Historical Commission

Comm. Bailey, seconded by Comm. Matthews, made a motion to approve to send a letter to Mark Denton, with the Texas Historical Commission in reference to the recurring items concerning the Market Square.

All voted aye; motion carried.

6. CONSIDERATION TO TRANSFER THE SWITCHBOARD OFFICE TO THE 413TH JUDICIAL ADMINISTRATIVE JUDGE'S OFFICE

Comm. Bailey, seconded by Comm. Matthews, made a motion to transfer the Switchboard Office to the 413th Judicial Administrative Judge's Office.

All voted aye; motion carried.

8. CONSIDERATION OF MANAGEMENT LETTER BY KENNEMER, MASTERS & LUNSFORD, THE OUTSIDE AUDITORS FOR JOHNSON COUNTY

Comm. Matthews, seconded by Comm. Bailey, made a motion to accept the Management Letter by Kennemer, Masters & Lunsford, the Outside Auditors for Johnson County.

All voted aye; motion carried.

9. CONSIDERATION OF ADDITIONAL EXPENSE WHICH EXCEEDS THE ESTIMATE IN THE LETTER OF ENGAGEMENT WITH KENNEMER, MASTERS & LUNSFORD

Comm. Bailey, seconded by County Judge Roger Harmon, made a motion to authorize the County Judge to negotiate the additional expense which exceeds the estimate in the Letter of Engagement with Kennemer, Masters & Lunsford.

Comm. Bailey voted aye.
Comm. Matthews voted aye.
Comm. Beeson voted aye.
Judge Harmon voted aye.
Comm. Stringer voted nay.

Motion carried.

The Commissioner's Court recessed at 11:05 A.M. and reconvened at 11:26 A.M. to consider the following:

9. CONSIDERATION OF ADDITIONAL EXPENSE WHICH EXCEEDS THE ESTIMATE IN THE LETTER OF ENGAGEMENT WITH KENNEMER, MASTERS AND LUNSFORD

Comm. Bailey, seconded by County Judge Roger Harmon, made a motion to approve the additional expense which exceeds the estimate in the Letter of Engagement with Kennemer, Masters & Lunsford in the amount of \$11,322.00.

All voted aye; motion carried.

10. CONSIDERATION OF PARTICIPATION IN THE AUTO TECH INTERN PROGRAM WITH BURLESON INDEPENDENT SCHOOL DISTRICT- PRECINCT #2

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the participation in the Auto Tech Intern Program with Burleson Independent School District in Precinct #2.

All voted aye; motion carried.

IX. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Bailey, seconded by Comm. Stringer, made a motion to sell a 1981 Cherokee trailer, 1993 Dodge 350 flat bed truck, a 1987 backhoe unit 66 and 1988 Walton Sweepmaster on Rene Bates Auction; change from the purchase of a Volvo G930 Motor Grader from the Texas Multiple Award Schedules Contract (1 year/1,500 hours, full machine warranty) in the amount of \$179,498.00 for Precinct #3 to a 2008 Volvo Model G930 Grader in the amount of \$169,759.00 (18 month warranty/2,000 hours full machine warranty); to advertise for Bids/Proposals for fiber optics Phase 2 for the Justice of the Peace, Precinct #1; and to purchase a dump truck from Richie Brothers (12-14 yards) not to exceed \$50,000.00; and a F150 super cab truck from Buy Board for Precinct #2.

All voted aye; motion carried.

2. CONSIDERATION OF BUDGET AMENDMENT PURSUANT TO THE LOCAL GOVERNMENT CODE SECTION 111.0106 FOR ROAD MATERIAL RECEIVED BY TX MIDSTREAM GAS SERVICES IN ROAD & BRIDGE IN PRECINCT #2

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve Budget Amendment pursuant to the Local Government Code *Section 111.0106* for road materials received by TX Midstream Gas Services in Road & Bridge in Precinct #2 in the amount of \$3,000.00.

All voted aye; motion carried.

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

- a. Road & Bridge, Precinct #3-Equipment-Capital
- b. Security Fund, Courthouse-Equipment Non Capital
- c. Hamm Creek Park-Personnel Salary
- d. Road & Bridge, Precinct #2-Personnel Salary
- e. Court at Law I-Personnel Salary
- f. Non-Departmental-Repayment of Copiers to Law Library
- g. Justice of the Peace, Precinct #1-Dues & Conferences
- h. Courthouse Security/Guinn Justice Center-Equipment Non-Capital

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve Budget Amendment pursuant to the Local Government Code *Section 111.010 C* for Road & Bridge, Precinct #3-Equipment-Capital to purchase road equipment in the amount of \$75,000.00; Security Fund, Courthouse-Equipment Non Capital to purchase two (2) replacement security camera's in the amount of \$1,596.00; Hamm Creek Park-Personnel Salary to change Pos. # H03-003 from \$22,432.00 to \$2,432.00; Road & Bridge, Precinct #2-Personnel Salary to lower Pos. #G03-003 by \$56.00 which currently is \$46,562.00 to \$46,506.00 and to increase Pos. #A51-001 by \$56.00 which currently is \$46,506.00 to \$46,562.00; Court at Law I-Personnel Salary for a Job Title and Grade change for Pos. #F11-011 from Probate Auditor, Grade 11 to Probate Auditor/Court

Coordinator, Grade 13 with no change in salary at this time; Non-Departmental-Repayment of Copiers to Law Library in the amount of \$23,375.00; Justice of the Peace, Precinct #1-Dues & Conferences in the amount of \$127.00; and Courthouse Security/Guinn Justice Center-Equipment Non-Capital to install two (2) access control keypads in the amount of \$2,893.00.

All voted aye; motion carried.

4. CONSIDERATION TO SPEND TECH MONIES FOR TEXAS JUSTICE COURT JUDGES CONFERENCE INCLUDING TECHNOLOGY SEMINARS- JUSTICE OF THE PEACE, PRECINCT #3

Comm. Stringer, seconded by Comm. Matthews, made a motion to approve to spend Tech Monies for Texas Justice Court Judges Conference including Technology Seminars for Justice of the Peace, Precinct #3.

All voted aye; motion carried.

5. CONSIDERATION TO APPLY FOR TOBACCO COMPLIANCE GRANT FOR LOCAL LAW ENFORCEMENT AGENCIES-CONSTABLE PRECINCT #2

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

All voted aye; motion carried

6. ACKNOWLEDGMENT OF CITY LIMITS MAP OF BRIARROAKS, TEXAS

The Commissioner's Court acknowledged the City Limits Map of Briar Oaks, Texas on April 27, 2009.

IX. NEW BUSINESS

9. CONSIDERATION TO PURCHASE A MODEL 1197 HUMMINGBIRD SIDE SCANNER SONAR-PRECINCT #2

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

All voted aye; motion carried.

11. CONSIDERATION OF APPOINTMENT OF EX-MAYOR RUSSELL GREEN OF RIO VISTA, TEXAS TO THE JOHNSON COUNTY ECONOMIC DEVELOPMENT COMMISSION-PRECINCT #1

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

All voted aye; motion carried.

X. CONSENT AGENDA

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

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

a. Contract with Harrison Walker & Harper

No Action.

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

No Action.

The Commissioner's Court recessed at 12:00 P.M. and reconvened at 1:22 P.M. to consider the following:

XI. WORKSHOP

The Commissioner's Court convened into Workshop Session at 1:22 P.M. to discuss Resources to Ensure the Safety, Security and Appropriate Functions of the Justices of the Peace and Constables Offices.

The Commissioner's Court re-convened into Open Session at 2:32 P.M. to consider the following:

IX. NEW BUSINESS

5. CONSIDERATION TO APPLY FOR TOBACCO COMPLIANCE GRANT FOR LOCAL LAW ENFORCEMENT AGENCIES-CONSTABLE PRECINCT #2

Comm. Matthews, seconded by Comm. Stringer, made a motion to apply for Tobacco Compliance Grant for Local Law Enforcement Agencies for Constable Precinct #2.

Comm. Matthews voted aye.
Comm. Stringer voted aye.
Comm. Bailey voted nay.
Comm. Beeson voted nay.
Judge Harmon voted nay.

Motion failed.

XI. WORKSHOP

The Commissioner's Court convened into Workshop Session at 2:40 P.M. to discuss Authorization for the Motorola Radio Representative to Survey Johnson County and Identify Needs to Achieve Public Safety Radio Interoperability, Storage of Jail Inmate Records, Consideration to Submit Application for Review of the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program and Lease Agreement with United Way and Casa.

The Commissioner's Court re-convened into Open Session at 3:45 P.M. to consider the following:

VIII. UNFINISHED BUSINESS

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

a. Contract with Harrison Walker & Harper

Comm. Bailey, seconded by Comm. Beeson, made a motion to authorize Don Burns, Public Works Director, to acquire a contract for possible asbestos testing for the Old Band Hall for Justice of the Peace, Precinct #1 offices.

All voted aye; motion carried.

XI. WORKSHOP

The Commissioner's Court convened into Workshop Session at 3:57 P.M. to discuss Clarification of Cell Phone Policy Concerning Termination Fees with AT&T (if applicable) and Air Cards with Law Enforcement Usage, Travel Policy of Johnson County, Consideration of Recurring Items Concerning Hamm Creek Park: Contract Service Agreement with Area Waste Solutions, Opening of the Park with Limited Use on May 1st, 2009, Additional Fee Schedule, Cash Drawer, Types of Payment Methods Used to Collect Park Fees, Uniform for Park Personnel, Telephone Services for Park Personnel and Bond for Park Personnel.

The Commissioner's Court re-convened into Open Session at 4:54 P.M.

BE IT KNOWN that Commissioner's Court met in Executive Session at 4:54 P.M. in accordance with Government Code *Section. 551.072*-Real Property.

The Commissioner's Court re-convened into Open Session at 5:07 P.M.

XII. EXECUTIVE SESSION

1. Government Code:

a. Sec. 551.072-Real Property

Comm. Beeson, seconded by Comm. Stringer, made a motion to deny access to County property West of the Service Complex on Kilpatrick St. for a well site.

All voted aye; motion carried.

VIII. UNFINISHED BUSINESS

4. CONSIDERATION OF RECURRING ITEMS CONCERNING HAMM CREEK PARK:



a. Contract Service Agreement with Area Waste Solutions

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the recurring items concerning Hamm Creek Park for Contract Service Agreement with Area Waste Solutions and to give the County Judge the authorization to sign.

All voted aye; motion carried.

b. Opening of the Park with Limited Use on May 1st, 2009

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve the recurring items concerning Hamm Creek Park for Opening of the Park with Limited Use on May 1st, 2009.

All voted aye; motion carried.

c. Additional Fee Schedule

No Action.

d. Cash Drawer

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the recurring items concerning Hamm Creek Park for the purchase of two (2) Cash Drawers with \$100.00 cash per drawer.

All voted aye; motion carried.

e. Types of Payment Methods Used to Collect Park Fees

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve the recurring items concerning Hamm Creek Park for types of payment methods used to collect Park fees to be cash only at this time.

All voted aye; motion carried.

f. Uniform for Park Personnel

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve the recurring items concerning Hamm Creek Park for the purchase of shirts for all Park Personnel.

All voted aye; motion carried.

g. Telephone Services for Park Personnel

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve the recurring items concerning Hamm Creek Park for telephone services for Park Personnel to include 3 lines.

All voted aye; motion carried.

h. Bond for Park Personnel

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve the recurring items concerning Hamm Creek Park for bonds for Park Personnel.

All voted aye; motion carried.

7. CONSIDERATION TO SUBMIT APPLICATION FOR REVIEW OF THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve to submit Application for Review of the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program.

All voted aye; motion carried.

11. CONSIDERATION OF CLARIFICATION OF CELL PHONE POLICY CONCERNING TERMINATION FEES WITH AT&T (IF THEY ARE APPLICABLE) AND AIR CARDS WITH LAW ENFORCEMENT USAGE

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the clarification of Cell Phone Policy concerning terminations fees with AT&T (if they are applicable) and Air Cards with law enforcement usage being exempt with the signing of paperwork stating “for work use only”.

All voted aye; motion carried.

IX. NEW BUSINESS

7. CONSIDERATION OF RESOURCES TO ENSURE THE SAFETY, SECURITY AND APPROPRIATE FUNCTIONS OF THE JUSTICE OF THE PEACE AND CONSTABLES OFFICES

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

All voted aye; motion carried.

8. CONSIDERATION OF LEASE AGREEMENTS:

a. United Way

Discussion. No Action.

b. CASA

Discussion. No Action.

10. CONSIDERATION OF STORAGE OF JAIL INMATE RECORDS

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve to hire four (4) temporary hourly clerks at \$9.28 per hour which will be transferred from 010-510-5397 (Operating Reserve) to 010-561-5107 (Part time) to be paid for the remainder of this fiscal year and authorize the purchase of four (4) additional scanners and four (4) additional computers to be paid from 075-561-5320 for storage of jail inmate records.

All voted aye; motion carried.

12. CONSIDERATION TO AUTHORIZE THE MOTOROLA RADIO REPRESENTATIVE TO SURVEY JOHNSON COUNTY AND IDENTIFY NEEDS TO ACHIEVE PUBLIC SAFETY RADIO INTEROPERABILITY

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve to authorize the Motorola radio representative to survey Johnson County and identify needs to achieve public safety radio interoperability.

All voted aye; motion carried.

13. CONSIDERATION OF TRAVEL POLICY OF JOHNSON COUNTY

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the Travel Policy (attached) of Johnson County with the exception of employees traveling out of Johnson County on a one day trip will be reimbursed for the noon meal.

Comm. Matthews voted aye.
Comm. Stringer voted aye.
Comm. Beeson voted aye.
Judge Harmon voted aye.
Comm. Bailey voted nay.

Motion carried.

There being no further business before the Court concerning this agenda, Commissioner's
Court adjourned at 5:41 P.M.

Submitted by: _____
County Clerk
Curtis H. Douglas

Approved by: _____
County Judge
Roger Harmon