

STATE OF TEXAS

January 25, 2010

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 25th day of January 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 9:05 A.M., with all members present, and following the Invocation led by Pastor Joe Ardy, of the Ascension Lutheran 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 January 21, 2010 at 11:44 A.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

Judge Harmon introduced Jack Snow as the new Emergency Management Coordinator.

1. PRESENTATION TO ROY DEAN SPONSLER III FOR RECEIVING THE HIGHEST RANK AS AN EAGLE SCOUT, TROOP 318, BOY SCOUTS OF AMERICA

The Commissioner's Court made a presentation to Roy Dean Sponsler III for Receiving the Highest Rank as an Eagle Scout, Troop 318, Boy Scouts of America.

2. PRESENTATION OF PROCLAMATION FOR "NATIONAL WEAR RED DAY"

The Commissioner's Court proclaimed February 5, 2010 as "National Wear Red Day" in Johnson County.

3. PRESENTATION OF REPORT AND UPDATE OF DAM SITE 32 BY ERIC DUMAS OF DUMAS LAND SURVEYING

A report and update of Dam Site 32 was given by Eric Dumas of Dumas Land Surveying.

VIII. UNFINISHED BUSINESS

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

Discussion. No Action.

The Commissioner's Court recessed at 10:00 A.M. and reconvened at 10:18 A.M. to consider the following:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

Judge Harmon announced that an open house would be held on February 5th, 2010 from 1:00 P.M. to 3:00 P.M. at the Justice of the Peace Precinct #1 Office.

V. PUBLIC PARTICIPATION

None.

IX. NEW BUSINESS

6. CONSIDERATION OF ADDITIONAL DEPOSIT LIMIT WITH FIRST FINANCIAL BANK-TAX OFFICE

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Agreement for an additional deposit limit with First Financial Bank and the Tax Office and to give the County Judge the authorization to sign.

All voted aye; motion carried.

VI. PUBLIC HEARINGS

The Commissioner's Court opened a Public Hearing at 10:22 A.M. to discuss:

1. "TO DECREASE SPEED LIMIT FOR PASSENGER CARS AND TRUCKS FROM 40 MPH TO 30 MPH ON CR 805-C, FROM THE INTERSECTION WITH FM 917 TO THE DEAD END OF THE ROAD, PRECINCT #3, JOHNSON COUNTY, TEXAS"

Commissioner Stringer stated that this is a request from the citizens who live on CR 805-C. He has a signed petition from citizens in support to decrease the speed limit from 40 MPH to 30 MPH. The hearing was closed at 10:24 A.M.

The Commissioner's Court opened a Public Hearing at 10:24 A.M. to discuss:

2. “IN ACCORDANCE WITH CHAPTER 343 OF THE TEXAS HEALTH AND SAFETY CODE, THE PREMISES LOCATED AT 14017 LARK MEADOWS DR. VENUS, TEXAS 76084, HAS BEEN IDENTIFIED AS A PUBLIC NUISANCE AND LARRY GLENN WHITE HAS BEEN IDENTIFIED AS THE PERSON RESPONSIBLE FOR CAUSING OR MAINTAINING A PUBLIC NUISANCE ON THE PREMISES”

3. “IN ACCORDANCE WITH CHAPTER 343 OF THE TEXAS HEALTH & SAFETY CODE, THE PREMISES LOCATED AT 14017 LARK MEADOWS DR. , VENUS TEXAS 76084, HAS BEEN IDENTIFIED AS A PUBLIC NUISANCE AND INDYMAC BANK (% TIM DIER, SENIOR ASST MANAGER) HAS BEEN IDENTIFIED AS THE PERSON RESPONSIBLE FOR CAUSING OR MAINTAINING A PUBLIC NUISANCE ON THE PREMISES”

Judge Harmon stated that the Public Hearing for 2 and 3 would be combined.

Detective Shaw stated that the property has not been cared for since an arson case in January 2006. It has overgrown grass, weeds and debris with 3 dilapidated structures. In February 2006 they had the first Public Nuisance case and had a response from INDYMAC Bank to admit they were responsible and cleaned the property up but did nothing with the structures. In August 2007 another nuisance case was filed on this property and INDYMAC Bank would not respond and the White's could not be found. It was still on the books of Judge Jacobs, Justice of the Peace, Precinct #3 but fell by the wayside. The case was dismissed and reopened to make notification again with INDYMAC Bank. Larry Glen White and INDYMAC Bank show to be responsible for this property. This case was filed with Judge Pat Jacobs, Justice of the Peace, Precinct #3. It was dismissed in her office due to it being presented at this time to

Commissioner's Court. The Property taxes are delinquent in Johnson County and Mansfield
ISD. The hearing was closed at 10:24 A.M.

VII. PRECEDING BUSINESS

1. CONSIDERATION OF ORDER #2010-01 "DECREASE OF SPEED LIMIT FOR PASSENGER CARS AND TRUCKS FROM 40 MPH TO 30 MPH ON CR 805-C, FROM THE INTERSECTION WITH FM 917 TO THE DEAD END OF THE ROAD, PRECINCT #3, JOHNSON COUNTY TEXAS"

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve **Order #2010-01** to Decrease of Speed Limit for Passenger Cars and Trucks from 40 MPH to 30 MPH on CR 805-C, from the Intersection with FM 917 to the Dead End of the Road, Precinct #3, Johnson County, Texas.

All voted aye; motion carried.

2. CONSIDERATION OF ORDER #2010-02-AUTHORIZING USE OF COUNTY PERSONNEL AND RESOURCE FOR THE ABATEMENT OF A PUBLIC NUISANCE LOCATED AT 14017 LARK MEADOWS DR., VENUS, TEXAS 76084

Comm. Stringer, seconded by Comm. Bailey, made a motion to approve **Order #2010-02** Authorizing Use of County Personnel and Resource for the Abatement of a Public Nuisance located at 14017 Lark Meadows Dr., Venus, Texas 76084 and that all applicable fees, legal fees, administrative fees which are legal under law be applied. The system should be adjusted so that it will be handled by the Public Works Department, either through the use of Community Services and/or independent contractor.

All voted aye; motion carried.

3. CONSIDERATION OF MINUTES OF THE COMMISSIONER'S COURT:
 - a. November 23, 2009-Regular Session
 - b. December 14, 2009-Regular Session

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the Commissioner's Court Minutes for November 23, 2009 and December 14, 2009 as submitted by the County Clerk.

All voted aye; motion carried.

4. CONSIDERATION OF REQUEST TO PAY BILLS

Comm. Matthews, seconded by Comm. Beeson, 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 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.

7. CONSIDERATION OF CONVEYANCE OF A PORTION OF A PREVIOUSLY PLATTED LOT BY METES AND BOUNDS DESCRIPTION **GREENFIELD RIDGE ADDITION: LOT 6 OF PHASE 1 INTO LOTS 6A AND 6B** PURSUANT TO LOCAL GOVERNMENT CODE *SECTION 232.010*, - PRECINCT #4

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the conveyance of a portion of a previously platted lot by metes and bounds description of **Greenfield Ridge Addition: Lot 6 of Phase 1 into lots 6A and 6B** pursuant to Local Government Code *Section 232.010* in Precinct #4.

All voted aye; motion carried.

8. CONSIDERATION OF FINAL PLAT OF **GODLEY MEADOWS ADDITION: PHASE 5, LOTS 16 & 17, BLOCK 1-PRECINCT #2**

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Final Plat of **Godley Meadows Addition: Phase 5, Lots 16 & 17, Block 1** in Precinct #2.

All voted aye; motion carried.

9. CONSIDERATION OF **RFP 2008-152A-INSTALLATION AND REPAIRS FOR TELEPHONE AND DATA LINES SERVICE FOR JOHNSON COUNTY**

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve **RFP 2008-152A** for installation and repairs for telephone and data lines service for Johnson County.

All voted aye; motion carried.

10. CONSIDERATION OF **RFB 2010-308A-LEASE COUNTY OWNED LAND: C. CHANEY SURVEY, A-124, ORIGINAL CLEBURNE, JOHNSON COUNTY, TEXAS, 1.24 ACRES, MORE OR LESS, SITUATED IN THE C. CHANEY SURVEY, ABSTRACT NO. 124, JOHNSON COUNTY, TEXAS, AS DESCRIBED IN THE FOLLOWING TWO (2) TRACTS: TRACT 1: 0620 ACRES, MORE OR LESS, KNOWN AS PART OF BLOCK 24, MARKET SQUARE, JOHNSON COUNTY, TEXAS, ACCORDING TO THE OFFICIAL MAP OF THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED IN VOLUME 75, PAGE 462 AND 465-PRECINCT #1**

Comm. Bailey, seconded by Comm. Beeson, made a motion to deny **RFB 2010-308A** for Lease of County Owned Land in the C. Chaney Survey, A-124, Original Cleburne, Johnson County, Texas, 1.24 Acres, more or less, situated in the C. Chaney Survey, Abstract No. 124, Johnson County, Texas, as described in the following two (2) Tracts: Tract 1: 0620 Acres, more or less, known as part of Block 24, Market Square, Johnson County, Texas, according to the Plat recorded in Volume 75, pages 462 and 465 in Precinct #1.

All voted aye; motion carried.

11. CONSIDERATION OF **RFB 2010-307A**-LEASE COUNTY OWNED LAND: C. CHANEY SURVEY, A-124, ORIGINAL CLEBURNE, JOHNSON COUNTY, TEXAS, 3.734 ACRES MORE OR LESS, KNOWN AS TRACT 1, TRACT 2, TRACT 3, AND TRACT 4, (DOWNTOWN CLEBURNE), ACCORDING TO THE PLAT RECORDED ON VOLUME 24, PAGES 590 AND 591, AND VOLUME 197, PAGES 638 AND 639, DEED RECORDS-PRECINCT #1

Comm. Bailey, seconded by Comm. Matthews, made a motion to deny **RFB 2010-307A** for Lease of County Owned Land in the C. Chaney Survey, A-124, Original Cleburne, Johnson County, Texas, 3.734 Acres, more or less, known as Tract 1, Tract 2, Tract 3, and Tract 4, (Downtown Cleburne), according to the Plat recorded in Volume 24, Pages 590 and 591, and Volume 197, Pages 638 and 639, Deed Records in Precinct #1.

All voted aye; motion carried.

12. CONSIDERATION OF **RFB 2010-316**-FOR TWO (2) 2003 OR NEWER USED CAB AND CHASSIS-PRECINCT #2

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve **RFB 2010-316** for two (2) 2003 or newer used cab and chassis to be purchased from Hermann International in the amount of \$ 18,000.00 for Precinct #2.

All voted aye; motion carried

VIII. UNFINISHED BUSINESS

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

Discussion. No action.

2. CONSIDERATION OF CONTRACTS FOR THE LAW LIBRARY AND THE GUINN JUSTICE CENTER

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the Contracts with AIA for the Law Library and the Guinn Justice Center and to give the County Judge the authorization to sign.

All voted aye; motion carried

3. CONSIDERATION OF RECURRING ITEMS CONCERNING MARKET SQUARE

Discussion. No Action.

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

Discussion. No Action.

5. CONSIDERATION OF RECURRING ITEMS CONCERNING THE EMERGENCY OPERATIONS CENTER GRANT

a. CONSIDERATION OF CONSTRUCTION MANAGER, GENERAL CONTRACTOR, OR A CONSTRUCTION MANAGER AT RISK

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve to hire a Construction Manager at Risk for construction of the Emergency Operations Center.

All voted aye; motion carried.

b. CONSIDERATION OF CONTRACTS AND ADDENDUM A FOR CONSTRUCTION OF THE EMERGENCY OPERATIONS CENTER

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Contracts and Addendum A for Construction of the Emergency Operations Center and to give the County Judge the authorization to sign.

All voted aye; motion carried.

The Commissioner's Court recessed at 11:47 A.M. and reconvened at 1:08 P.M. to consider the following:

IX. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Bailey, seconded by Comm. Beeson, made a motion to advertise for bids/proposals to re-advertise for bid on **RFB 2010-308A** for Lease of County Owned Land in the C. Chaney Survey, A-124, Original Cleburne, Johnson County, Texas, 1.24 Acres, more or less, situated in the C. Chaney Survey, Abstract No. 124, Johnson County, Texas, as described in the following Two (2) Tracts: Tract 1: 0620 Acres, more or less, known as Part of Block 24, Market Square, Johnson County, Texas, according to the Plat recorded in Volume 75, pages 462 and 465 in Precinct #1 with a \$3,500.00 minimum bid; re-advertise for bid on **RFB 2010-307A** for Lease of County Owned Land in the C. Chaney Survey, A-124, Original Cleburne, Johnson County, Texas, 3.734 Acres, more or less, known as Tract 1, Tract 2, Tract 3, and Tract 4, (Downtown Cleburne), According to the Plat recorded in Volume 24, Pages 590 and 591, and Volume 197, Pages 638 and 639, Deed Records in Precinct #1 with a \$3,500.00 minimum bid; Precinct #1 for a 4 wheel drive side by side 2 seat utility dump bed for Hamm Creek Park in an amount not to exceed \$5,000.00; and for a Contract Manager at Risk for the construction of the Emergency Operation Center.

All voted aye; motion carried.

2. CONSIDERATION OF BUDGET AMENDMENT PURSUANT TO THE LOCAL GOVERNMENT CODE SECTION 111.0106 FOR INSURANCE CLAIM, ROAD REPAIRS IN PRECINCT #2 BY INSURANCE COMPANY, TEXAS MIDSTREAM SERVICES, AND BOSQUE DISPOSAL SYSTEMS

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve Budget Amendment Pursuant to the Local Government Code *Section 111.0106* for insurance claim in the amount of \$1,997.25; for Pipeline Easement for Texas Midstream Services in the amount of \$11,575.00; and Bosque Disposal Systems in the amount of \$14,400.00.

All voted aye; motion carried.

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

- a. County Judge-Equipment Purchase
- b. Pecan Valley MHMR-Building Repair & Maintenance

Comm. Stringer, seconded by Comm. Matthews, made a motion to approve Budget Amendment pursuant to the Local Government Code *Section 111.010-C* for County Judge-Equipment Purchase for filing cabinet and map storage in the amount of \$500.00; and Pecan Valley MHMR for building repair and maintenance for repairs to houses at 2901 FM 2280, Keene, Texas and Diamond Lane in Burleson Texas in the amount of \$14,500.00.

All voted aye; motion carried.

4. CONSIDERATION OF RESOLUTION FOR THE APPLICATION OF THE MENTAL HEALTH PEACE OFFICER GRANT-SHERIFF'S OFFICE

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the Resolution for the Application of the Mental Health Peace Officer Grant with the Sheriff's Office.

All voted aye; motion carried.

5. CONSIDERATION TO SPEND TECH FUND MONEY FOR THE PURCHASE OF A NEW LAPTOP-JUSTICE OF THE PEACE, PRECINCT #3

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve to spend Tech Fund money for the purchase of a new laptop in the amount of \$1,175.00 for Justice of the Peace, Precinct #3.

All voted aye; motion carried.

7. CONSIDERATION OF APPOINTMENT OF SHARLOTTA CONNALLY TO THE JOHNSON COUNTY ECONOMIC DEVELOPMENT COMMISSION BOARD- PRECINCT #2

Comm. Matthews, seconded by Comm. Bailey made a motion to appoint Sharlotta Connally to the Johnson County Economic Development Commission Board in Precinct #2.

All voted aye; motion carried.

8. CONSIDERATION TO USE "OFFICIAL PAYMENTS CORP." ONLINE CREDIT CARD SERVICES-JUSTICE OF THE PEACE, PRECINCT #2

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve to use "Official Payments Corp." for online credit card services for Justice of the Peace, Precinct #2.

All voted aye; motion carried.

9. CONSIDERATION TO ADD CALLER ID TO THE FOLLOWING NUMBERS: 817-556-6060, 6061, 6085, 6019, 6086, 6099 AND 817-558-0024-SHERIFF'S OFFICE

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve to add Caller ID to the following numbers: 817-556-6060, 6061, 6085, 6019, 6086, 6099 and 817-558-0024 in the Sheriff's Office with a one time installation fee of \$71.45 with a monthly rate of \$2.60 per number to be paid from 010-510-5420.

All voted aye; motion carried.

10. CONSIDERATION TO TERMINATE NEWLY CREATED FULL-TIME MECHANIC POSITION-PRECINCT #1

Comm. Bailey, seconded by Comm. Matthews, made a motion to terminate the newly created Full-Time Mechanic Position in Precinct #1.

All voted aye; motion carried.

11. CONSIDERATION OF RECURRING EXPENSE OF \$80.00 PER MONTH FOR CELL PHONE FOR JACK SNOW, EMERGENCY MANAGEMENT COORDINATOR

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve the recurring expense of \$80.00 per month for a cell phone for Jack Snow, Emergency Management Coordinator.

All voted aye; motion carried.

12. CONSIDERATION OF AGREEMENT FOR ARCHITECTURAL CONSULTING SERVICES WITH BURNS ARCHITECTURE, INC., FOR SECURITY ELECTRONICS SYSTEMS AT THE LAW ENFORCEMENT CENTER

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve the Agreement for Architectural Consulting Services with Burns Architecture, Inc., for Security Electronics Systems at the Law Enforcement Center.

All voted aye; motion carried.

X. CONSENT AGENDA

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

All voted aye; motion carried.

BE IT KNOWN that Commissioner's Court met in Executive Session at 1:29 P.M. in accordance with Government Code *Section 551.072*-Real Property.

The Commissioner's Court re-convened into Open Session at 1:54 P.M. to consider the following:

VIII. UNFINISHED BUSINESS

5. CONSIDERATION OF RECURRING ITEMS CONCERNING THE EMERGENCY OPERATIONS CENTER GRANT

b. CONSIDERATION OF CONTRACTS AND ADDENDUM A FOR CONSTRUCTION OF THE EMERGENCY OPERATIONS CENTER

Discussion. No Action.

XI. EXECUTIVE SESSION

1. Government Code:

a. *Sec. 551.072*-Real Property

Comm. Bailey, seconded by Comm. Stringer, made a motion to give County Judge authorization to contact Cleburne ISD and to make an offer on the property where the Brown Gym is located within 30 days.

All voted aye; motion carried.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 1:57 P.M.

Submitted by: _____
County Clerk
Curtis H. Douglas

Approved by: _____
County Judge
Roger Harmon