

STATE OF TEXAS

March 14, 2011

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 14th day of March, 2011, 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 Pastor Joe Ardy, Ascension Lutheran Church of 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 March 10, 2011 at 11:20 A.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

1. PROCLAMATION FOR FLOOD SAFETY AWARENESS WEEK – MARCH 14-18, 2011

Commissioner's Court proclaimed the week of March 14-18, 2011 as Flood Safety Awareness Week in Johnson County.

2. PROCLAMATION FOR POISON PREVENTION WEEK – MARCH 20-26, 2011

Commissioner's Court proclaimed the week of March 20-26, 2011 as Poison Prevention Week in Johnson County.

3. PRESENTATION FROM PECAN VALLEY MHMR

Coke Beatty, Executive Director of Pecan Valley MHMR made a presentation to the Commissioner's Court.

4. PRESENTATION FROM THE PRAIRIELANDS GROUNDWATER PRESERVATION DISTRICT

Brian Sledge, Legal Counsel for Prairielands Groundwater Preservation District made a presentation to the Commissioner's Court.

V. PUBLIC PARTICIPATION

None.

VIII. UNFINISHED BUSINESS

6. CONSIDERATION OF MASTER CONTRACT FOR PARAMEDIC AMBULANCE SERVICES AMENDMENT AND EXTENSION #3 WITH CAREFLITE

Comm. Matthews, seconded by Comm. Bailey, made a motion to table this item until the second regularly scheduled Commissioner's Court meeting in July.

All voted aye; motion carried.

The Commissioner's Court recessed at 10:33 A.M. and reconvened at 10:45 A.M. to consider the following:

VI. PUBLIC HEARINGS

The Commissioner's Court opened a Public Hearing at 10:46 A.M. to discuss:

1. "IN ACCORDANCE WITH CHAPTER 343 OF THE TEXAS HEALTH & SAFETY CODE, THE PREMISES LOCATED AT 4401 CR 610, ALVARADO, TEXAS 76009, HAS BEEN IDENTIFIED AS A PUBLIC NUISANCE AND HENRY DALE HUMPHREY 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 **4401 CR 610, Alvarado, Texas 76009**, has been identified as a public nuisance and **Henry Dale Humphrey** has been identified as the person responsible for causing or maintaining a public nuisance on the premises. This case began on May 27, 2009 when Deputy Riggs went to the location and Detective Steve Shaw went the following day. The property is a double wide mobile home which has been demolished. There is paint, paint thinner, tires, shingles and trash on the property making it hazardous. Numerous certified letters were sent and visits to various cities in Johnson and Tarrant Counties were made trying to locate the owner of the property. In the meantime, some drug arrests, traffic arrests and warrant arrests were made on the property. Mr. Humphrey was finally located on E. Godley Ave. in Godley and he was served. Detective Shaw made contact with Mr. Humphrey twice after that and Mr. Humphrey stated that they were attempting to clean up the property. Detective Shaw filed the case in Judge Jacobs Court, for which Mr. Humphrey did not appear. Judge Jacobs issued a bench warrant to have Mr. Humphrey brought to court. Detective Shaw notified the Godley Police Department and when they arrived, Mr. Humphrey was gone. At this time Detective Shaw was able to contact Mr. Humphrey's daughter and she thought he was in Corsicana. Mr. Humphrey was located in Corsicana and served with papers for today's court date. Also, Faircrest Financial and Citibank were served by certified mail due to their interest in the real property and the mobile home when it belonged to Beatrice Paba, the previous owner. Detective Shaw was back on the property on March 4, 2011 and the property was not cleared. Detective Shaw stated that it would be a major undertaking to get this property abated. Mr. Humphrey did not appear for court today. The hearing was closed at 10:55 A.M.

VII. PRECEDING BUSINESS

1. CONSIDERATION OF **ORDER #2011-04** – ORDER OF ABATEMENT OF A PUBLIC NUISANCE LOCATED AT **4401 CR 610, ALVARADO, TEXAS 76009**

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve **Order #2011-04** authorizing the County to hire a vendor for the abatement of a public nuisance located at **4401 CR 610, Alvarado, Texas 76009** and for recouping the expenditures by placing a lien on the property.

All voted aye; motion carried.

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

a. January 24, 2011 – Regular Session

Comm. Beeson, seconded by Comm. Matthews, made a motion to approve the Commissioner's Court Minutes for January 24, 2011.

All voted aye; motion carried.

b. February 14, 2011 – Regular Session

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the Commissioner's Court Minutes for February 14, 2011.

All voted aye; motion carried.

3. 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.

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.

VII. PRECEDING BUSINESS

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.

VIII. UNFINISHED BUSINESS

2. CONSIDERATION OF RECURRING ITEMS CONCERNING MARKET SQUARE

Discussion. No Action.

4. CONSIDERATION OF **ORDER #2011-01** – PROHIBITION OF OUTDOOR BURNING

No Action.

5. CONSIDERATION OF APPOINTMENT OF GERALD MILLER TO THE EMERGENCY SERVICES DISTRICT #1 BOARD-PRECINCT #2

Comm. Matthews, seconded by Comm. Bailey, made a motion to appoint Gerald Miller to the Emergency Services District #1 Board representing Precinct #2.

All voted aye; motion carried.

IX. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Matthews, seconded by Comm. Stringer, made a motion to advertise for bids/proposals for a pad foot roller for Precinct #4, to be purchased from HGAC or BuyBoard; and for a vendor for nuisance abatements for the County to be paid from Fees & Services.

All voted aye; motion carried.

2. CONSIDERATION OF BUDGET AMENDMENT PURSUANT TO THE LOCAL GOVERNMENT CODE SECTION 111.0106 for:

a. Sheriff Forfeiture Fund-Forfeiture

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Budget Amendment pursuant to the Local Government Code *Section 111.0106* for Sheriff Forfeiture Fund, Forfeiture, for check # 1656 from A/A Iron, awarded by Judge McBroom on February 17, 2011 in the amount of \$1,880.00.

All voted aye; motion carried.

Commissioner Beeson exited the meeting at 11:14 A.M.

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

- a. Courthouse Security Fund-Equipment Non-Capital
- b. Technology Fund-Justice of the Peace, Precinct #1-Dues & Conferences

Comm. Bailey, seconded by Comm. Matthews, made a motion to approve the Budget Amendment pursuant to the Local Government Code *Section 111.010-C* for Courthouse Security Fund, Equipment Non-Capital to add and replace equipment used for Courthouse Security, funded entirely by collected court fees at the request of Judge Bosworth in the amount of \$15,000.00; Technology Fund, Justice of the Peace, Precinct #1, Dues &

Conferences for Technology Conference on January 25-27, 2011, which was approved in Commissioner's Court December 13, 2010 in the amount of \$834.00.

All voted aye; motion carried.

Commissioner Beeson returned to the meeting at 11:15 A.M.

4. CONSIDERATION OF ELECTION AGREEMENT, EXHIBIT A & B, EARLY VOTING AND ELECTION DAY POLLING LOCATIONS & JUDGE, AND EXHIBIT C, COST OF ESTIMATED SERVICE FOR VENUS ISD

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the Election Agreement, Exhibit A & B, Early Voting and Election Day Polling Locations & Judge, and Exhibit C, Cost of Estimated Service for Venus ISD and to give the County Judge the authorization to sign.

All voted aye; motion carried.

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

- a. Courthouse Security Fund-Equipment Non-Capital
- b. Technology Fund-Justice of the Peace, Precinct #1-Dues & Conferences

Judge Harmon returned to this agenda item to obtain Commissioner Beeson's affirmation on the vote for this item, which Commissioner Beeson gave.

5. CONSIDERATION OF VOTING MACHINE LEASE AGREEMENTS BETWEEN JOHNSON COUNTY AND:

- a. The City of Venus
- b. The City of Joshua
- c. The City of Grandview
- d. The City of Rio Vista
- e. The Town of Cross Timber
- f. Godley ISD
- g. Joshua ISD
- h. Alvarado ISD
- i. Bethany Special Utility District Alvarado

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Voting Machine Lease Agreements between Johnson County and the City of Venus, the City of Joshua, the City of Grandview, the City of Rio Vista, the Town of Cross Timber, Godley ISD, Joshua ISD, Alvarado ISD and Bethany Special Utility District Alvarado and to give the County Judge the authorization to sign all agreements.

All voted aye; motion carried.

6. CONSIDERATION OF RACIAL PROFILING REPORTS TO THE COMMISSIONER'S COURT:

a. Sheriff

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the Racial Profiling Reports to the Commissioner's Court for Sheriff's Office.

All voted aye; motion carried.

b. Constable, Precinct #1

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve the Racial Profiling Reports to the Commissioner's Court for Constable, Precinct #1.

All voted aye; motion carried.

7. CONSIDERATION OF HARDWARE MAINTENANCE AGREEMENT NO. 00008194 WITH BUSINESS IMAGING SYSTEMS INC-COUNTY CLERK

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve Hardware Maintenance Agreement No. 00008194 with Business Imaging Systems Inc. for the County Clerk's Office and to give the County Judge the authorization to sign.

All voted aye; motion carried.

8. CONSIDERATION OF AGREEMENT WITH CHASE PAYMENTECH FOR ON-LINE PAYMENT THROUGH THE NET DATA SYSTEM THROUGH FIRST FINANCIAL BANK-COUNTY CLERK'S COURT SECTION

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve the Agreement with Chase Paymentech for on-line payment through the Net Data System through First Financial Bank for the County Clerk's Court Section and to give the County Judge the authorization to sign.

All voted aye; motion carried.

9. CONSIDERATION TO SPEND CRI GRANT MONIES FOR CALL-EM ALL NOTIFICATION SYSTEM TO NOTIFY SKYWARN, CITIES READINESS INITIATIVE STAFF AND EMERGENCY OPERATIONS CENTER STAFF-EMERGENCY MANAGEMENT

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

All voted aye; motion carried.

10. CONSIDERATION OF REMOVAL OF INVENTORY ASSET #104070126, LIETZ LEVEL, FROM PUBLIC WORKS' INVENTORY LIST-PUBLIC WORKS DEPARTMENT

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve the removal of inventory asset #104070126, Lietz Level, from Public Works' inventory list.

All voted aye; motion carried.

11. CONSIDERATION TO DECLARE ITEMS AS SURPLUS UNDER LOCAL GOVERNMENT CODE SECTION 263.152, DISPOSITION AND PLACE ITEMS ON RENE BATES ON-LINE AUCTION SITE-PURCHASING

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve to declare items as surplus under Local Government Code *Section 263.152*, Disposition and place items on Rene Bates On-Line Auction site for sale as attached.

All voted aye; motion carried.

12. CONSIDERATION TO TRANSFER \$80.00 CELL PHONE ALLOWANCE FROM MICHAEL SMITH, POSITION D03-034 TO ANTHONY DANIELS, POSITION D03-010-SHERIFF'S OFFICE

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve to transfer \$80.00 cell phone allowance from Michael Smith, position D03-034 to Anthony Daniels, position D03-010 in the Sheriff's Office.

All voted aye; motion carried.

13. CONSIDERATION OF RESOLUTION AFFIRMING THE NOMINATION OF BOB SPURLIN TO THE CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS TO FILL THE UNEXPIRED TERM OF R.D. SCOTT

Comm. Beeson, seconded by Comm. Matthews, made a motion to approve the Resolution affirming the nomination of Bob Spurlin to the Central Appraisal District Board of Directors to fill the unexpired term of R. D. Scott.

All voted aye; motion carried.

14. CONSIDERATION OF APPOINTMENT OF LARRY WOOLLEY OF GRANDVIEW, TEXAS TO THE JOHNSON COUNTY ECONOMIC DEVELOPMENT BOARD OF DIRECTORS-PRECINCT #4

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve the appointment of Larry Woolley of Grandview, Texas to the Johnson County Economic Development Board of Directors representing Precinct #4.

All voted aye; motion carried.

15. CONSIDERATION OF INTERLOCAL AGREEMENT WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR COOPERATIVE PURCHASING FOR ACTUARIAL SHARED SERVICES-AUDITOR

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

All voted aye; motion carried.

16. CONSIDERATION OF MASTER AGREEMENT WITH GABRIEL, ROEDER, SMITH & CO. PURSUANT TO THE AWARD OF JOINT ACTUARIAL SERVICES BY THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS-AUDITOR

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

All voted aye; motion carried.

17. CONSIDERATION OF LETTER AGREEMENT WITH GABRIEL, ROEDER, SMITH & CO. REGARDING PRICING ESTIMATE FOR GASB OPEB VALUATION FOR JOHNSON COUNTY, TEXAS-AUDITOR

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

All voted aye; motion carried.

X. CONSENT AGENDA

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve all items on the Consent Agenda.

All voted aye; motion carried.

Commissioner's Court went into Executive Session at 11:48 A.M.

BE IT KNOWN that Commissioner's Court met in Executive Session at 11:48 A.M. in accordance with Government Code *Sec. 551.074*-Personnel-Precinct #3.

The Commissioner's Court reconvened into Open Session at 1:20 P.M. to consider the following:

XI. WORKSHOP

The Commissioner's Court convened into Workshop Session at 1:20 P.M. to discuss Upper Payment Limit on Indigent Health Care.

The Commissioner's Court reconvened into Open Session at 2:07 P.M.

IX. NEW BUSINESS

15. CONSIDERATION OF INTERLOCAL AGREEMENT WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR COOPERATIVE PURCHASING FOR ACTUARIAL SHARED SERVICES-AUDITOR

Comm. Beeson, seconded by Comm. Bailey, made an amended motion to approve the Interlocal Agreement with the North Central Texas Council of Governments for Cooperative Purchasing for Actuarial Shared Services for the Auditor's Office and to give the County Judge the authorization to sign.

All voted aye; motion carried.

16. CONSIDERATION OF MASTER AGREEMENT WITH GABRIEL, ROEDER, SMITH & CO. PURSUANT TO THE AWARD OF JOINT ACTUARIAL SERVICES BY THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS-AUDITOR

Comm. Beeson, seconded by Comm. Bailey, made an amended motion to approve the Master Agreement with Gabriel, Roeder, Smith & Co. pursuant to the award of joint actuarial services by the North Central Texas Council of Governments, to be paid from Fees & Services Fund for the Auditor's Office and to give the County Judge the authorization to sign.

All voted aye; motion carried.

17. CONSIDERATION OF LETTER AGREEMENT WITH GABRIEL, ROEDER, SMITH & CO. REGARDING PRICING ESTIMATE FOR GASB OPEB VALUATION FOR JOHNSON COUNTY, TEXAS-AUDITOR

Comm. Beeson, seconded by Comm. Bailey, made an amended motion to approve the Letter Agreement with Gabriel, Roeder, Smith & Co. regarding pricing estimate for GASB OPEB Valuation for Johnson County, Texas for the Auditor's Office.

All voted aye; motion carried.

18. CONSIDERATION OF UPPER PAYMENT LIMIT ON INDIGENT HEALTH CARE

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

All voted aye; motion carried.

XII. EXECUTIVE SESSION

1. Government Code:

a. *Sec. 551.074*-Personnel-Precinct #3

(1) C. A. Meals-Position #G04-006

Comm. Stringer, seconded by Comm. Bailey, made a motion to approve the reclassification of C. A. Meals-Position #G04-006 from a Road & Bridge position to an Operator II position with no change in salary or benefits.

All voted aye; motion carried.

(2) Kenneth Ross-Position #G04-007

Comm. Stringer, seconded by Comm. Matthews, made a motion to approve the reclassification of Kenneth Ross-Position #G04-007 from a Road & Bridge position to an Operator II position with no change in salary or benefits.

All voted aye; motion carried.

(3) Open Position #G04-008

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the reclassification of an Open Position-#G04-008 from a Road & Bridge position to an Operator II position with no change in salary or benefits.

All voted aye; motion carried.

There being no further business before the Court concerning this agenda, Commissioner's
Court adjourned at 2:25 P.M.

Submitted by: _____
County Clerk
Becky Williams

Approved by: _____
County Judge
Roger Harmon