

STATE OF TEXAS

April 25, 2011

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 25th day of April, 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 Kevin Bentley of Bono Baptist 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 April 21, 2011 at 9:11 A.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

The Commissioner's Court recognized the Extension Volunteers for their contributions to Johnson County.

2. PRESENTATION FROM THE HUMANE SOCIETY OF NORTH TEXAS

The Humane Society of North Texas presented an award to Bill Moore, County Attorney, and his staff for their assistance in prosecuting animal cruelty cases in Johnson County.

3. PROCLAMATION OF SEXUAL ASSAULT AWARENESS MONTH

The Commissioner's Court proclaimed April, 2011 as Sexual Assault Awareness Month.

4. PRESENTATION BY CAREFLITE

A presentation by Jim Swartz, Douglas Filbert and Mark Kessler from CareFlite was given to Commissioner's Court.

5. PRESENTATION OF THE JOHNSON COUNTY ACTUARIAL VALUATION OF THE RETIREE MEDICAL PLAN AS OF SEPTEMBER 30, 2010-AUDITOR

A presentation regarding the Johnson County Actuarial Valuation of the Retiree Medical Plan as of September 30, 2010 was given by Kirk Kirkpatrick, County Auditor and Jack Beam with Gabriel, Roeder, Smith and Company (GRS).

The Commissioner's Court recessed at 10:21 A.M. and reconvened at 10:36 A.M. to consider the following:

6. PRESENTATION OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDING SEPTEMBER 30, 2010-AUDITOR



A presentation regarding the Comprehensive Annual Financial Report for fiscal year ending September 30, 2010 was given by Kirk Kirkpatrick, County Auditor.

7. PRESENTATION REGARDING THE 2011-2012 BUDGET-COUNTY JUDGE

A presentation regarding the 2011-2012 Budget was given by Roger Harmon, County Judge. Judge Harmon asked the Elected Officials and Department Heads to consider not filling any open positions they may have in their departments based on preliminary information provided to the Judge by Jim Hudspeth, Chief Appraiser for Central Appraisal District.

IX. NEW BUSINESS

3. CONSIDERATION OF REQUEST FROM THE DOWNTOWN CLEBURNE ASSOCIATION TO USE COUNTY PROPERTY DURING SPRINGFEST, MAY 20-21, 2011

Comm. Bailey, seconded by Comm. Matthews, made a motion to approve the request from the Downtown Cleburne Association to use County property during Springfest, May 20-21, 2011 as attached to these minutes.

All voted aye; motion carried.

4. CONSIDERATION OF BURN BAN SIGNS-PRECINCT #4

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve Burn Ban signs being installed in Precinct #4.

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

a. Consideration of Letter of Agreement Pursuant to the City of Cleburne Code of Ordinances 154.082 (E) Regarding Curbs and Gutters, and 154.084 (B) Regarding Sidewalks

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

All voted aye; motion carried.

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

Discussion. No Action.

2. CONSIDERATION OF RECURRING ITEMS CONCERNING MARKET SQUARE

No Action.

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

Comm. Matthews, seconded by Comm. Stringer, made a motion to remove **Order #2011-01**, Prohibition of Outdoor Burning, effectively immediately.

All voted aye; motion carried.

5. CONSIDERATION OF VOUCHERS FOR THE IMPLEMENTATION OF THE FORT WORTH'S ENVIRONMENTAL COLLECTION CENTER HOUSEHOLD HAZARDOUS WASTE PROGRAM

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve vouchers for the implementation of Fort Worth's Environmental Collection Center Household Hazardous Waste Program, with the Agreement previously being approved in Commissioner's Court on March 28, 2011, to create a \$2,500.00 budget for this program for the remainder of this fiscal year from the Fees & Services fund, and to include the attachments with the vouchers when provided to the public.

All voted aye; motion carried.

VII. PRECEDING BUSINESS

4. CONSIDERATION OF REQUEST TO PAY BILLS

Comm. Bailey, seconded by Comm. Stringer, made a motion to pay bills as presented by the County Auditor.

All voted aye; motion carried.

Commissioner Stringer exited the meeting at 11:59 A.M.

IX. NEW BUSINESS

7. CONSIDERATION OF RENEWAL OF JOHNSON COUNTY BANK DEPOSITORY CONTRACT WITH FIRST FINANCIAL BANK FOR A TWO YEAR TERM FOR:

a. Johnson County

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the Renewal of Johnson County Bank Depository Contract with First Financial Bank for a two year term for Johnson County and to give the County Judge the authorization to sign.

All voted aye; motion carried.

b. Johnson County Tax Assessor-Collector

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the Renewal of Johnson County Bank Depository Contract with First Financial Bank for a two year term for Johnson County Tax Assessor-Collector and to give the County Judge the authorization to sign.

All voted aye; motion carried.

Commissioner Stringer returned to the meeting at 12:00 P.M.

The Commissioner's Court recessed at 12:00 P.M. and reconvened at 1:18 P.M. to consider the following:

BE IT KNOWN that Commissioner's Court met in Executive Session at 1:19 P.M. in accordance with Government Code *Sec. 551.074*-Personnel, County Court at Law No. 1 and Personnel, Chief Forensic Death Investigator Interview-Medical Examiner's Office.

The Commissioner's Court reconvened into Open Session at 2:22 P.M. to consider the following:

XI. EXECUTIVE SESSION

1. Government Code:

a. *Sec. 551.074*-Personnel, County Court at Law No. 1

(1) Reba Henry, Court Coordinator

No Action.

(2) Iryna Spangler, Probate Auditor/Court Coordinator

Comm. Matthews, seconded by Comm. Stringer, made a motion to modify the position description for F11-011 from Probate Auditor/Court Coordinator to Court Coordinator, with no change in pay or benefits.

All voted aye; motion carried.

- b. *Sec. 551.074-Personnel, Chief Forensic Death Investigator Interview-Medical Examiner's Office*

- (1) Heather Lane

Comm. Matthews, seconded by Comm. Bailey, made a motion to extend an offer of employment to Heather Lane for the position of Chief Forensic Death Investigator with a salary of \$35,000.00 per year and a start date as soon as possible.

All voted aye; motion carried.

V. PUBLIC PARTICIPATION

None.

VI. PUBLIC HEARINGS

The Commissioner's Court opened a Public Hearing at 2:25 P.M. to discuss:

- 1. "IN ACCORDANCE WITH CHAPTER 343 OF THE TEXAS HEALTH & SAFETY CODE, THE PREMISES LOCATED AT **118 BUCKSKIN CT., ALVARADO, TEXAS 76009**, HAS BEEN IDENTIFIED AS A PUBLIC NUISANCE AND **FRANKLIN CREDIT** 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 **118 Buckskin Ct., Alvarado, Texas 76009**, has been identified as a public nuisance and **Franklin Credit** has been identified as the person responsible for causing or maintaining a public nuisance on the premises. This case began on August 25, 2010 due to overgrown grass, weeds, and debris on the property. When Detective Shaw investigated the property, he discovered the double wide mobile home on the property had been vandalized. Three juveniles were identified as committing the crime but Detective Shaw was unable to get the mortgage company to sign any paperwork so the case was left suspended at that time. The

second visit to this property was due to arson where half the kitchen and dining area had been burned and no one was found responsible for this act. The third time Detective Shaw was called to the property was for public nuisance but when he went out, he found the mobile home had been boarded up and the property had been mowed so the case was cleared by abatement. For the current case, Detective Shaw determined the owner to be Russell Johnson of Cleburne, but he informed Detective Shaw he lost the property due to foreclosure to Franklin Credit. Franklin Credit was sent certified letters which they received and the case was filed in Justice of the Peace, Precinct #3. No one from Franklin Credit appeared in court, so Judge Jacobs dismissed the case so it could be filed with Commissioner's Court. Notice of Nuisance letters were sent by certified mail and received by Franklin Credit. Detective Shaw returned to the property last week and nothing had been done on the property. The hearing was closed at 2:35 P.M.

The Commissioner's Court opened a Public Hearing at 2:35 P.M. to discuss:

2. **"NO THRU TRUCKS ON PERCIFIELD TRAIL BETWEEN U.S. HWY. 67 AND CR 707 IN JOHNSON COUNTY, PRECINCT 4"**

Comm. Beeson spoke in favor of installing No Thru Trucks signs on **Percifield Trail between U. S. Hwy 67 and CR 707** in Johnson County, Precinct 4. The hearing was closed at 2:38 P.M.

VII. PRECEDING BUSINESS

1. **CONSIDERATION OF ORDER #2011-09 – ORDER OF ABATEMENT OF A PUBLIC NUISANCE LOCATED AT 118 BUCKSKIN CT., ALVARADO, TEXAS 76009**

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve **Order #2011-09** for the abatement of a public nuisance located at **118 Buckskin Ct., Alvarado, Texas 76009**, to assess all legal costs possible and to place a lien on the property.

All voted aye; motion carried.

2. CONSIDERATION OF **ORDER #2011-10** – “INSTALLATION OF NO THRU TRUCKS SIGNS ON **PERCIFIELD TRAIL BETWEEN U.S. HWY. 67 AND CR 707** IN JOHNSON COUNTY, PRECINCT #4”

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve **Order #2011-10** “Installation of No Thru Trucks Signs on **Percifield Trail Between U. S. Hwy. 67 and CR 707** in Johnson County, Precinct #4”.

All voted aye; motion carried.

3. CONSIDERATION OF MINUTES OF THE COMMISSIONER’S COURT:

- a. February 21, 2011 – Special Session
- b. February 28, 2011 – Regular Session
- c. March 14, 2011 – Regular Session
- d. March 28, 2011 – Regular Session
- e. April 1, 2011 – Special Session

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Commissioner’s Court Minutes for February 21, 2011, February 28, 2011, March 14, 2011, March 28, 2011 and April 1, 2011.

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 **ORDER #2011-11** – APPROVING THE JOHNSON COUNTY TREASURER’S REPORT

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve **Order #2011-11** approving the Johnson County Treasurer’s Report to the Commissioner’s Court.

All voted aye; motion carried.

IX. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

No Action.

Commissioner Bailey exited the meeting at 2:44 P.M.

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

- a. Jury Fund, 18th District Court-Juries
- b. 413th District Court-Capital Murder Trial
- c. Technology Fund, Justice of the Peace Precinct #3-Maintenance of Office Equipment and Postage Meter Rental/Postage

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the Budget Amendment pursuant to the Local Government Code *Section 111.010-C* for Jury Fund, 18th District Court, Juries for budget shortage in the amount of \$10,000.00; 413th District Court, Capital Murder Trial for expenses related to the Soliz Capital Murder Trial in the amount of \$100,000.00; Technology Fund, Justice of the Peace Precinct #3, Maintenance of Office Equipment and Postage Meter Rental/Postage for the rental and repair of copy machine in the amount of \$700.00.

All voted aye; motion carried.

5. CONSIDERATION OF PROPOSED CHANGES TO THE CONTRACT WITH ROSSER FUNERAL HOME FOR THE REMOVAL AND TRANSPORTATION OF HUMAN REMAINS

Comm. Beeson, seconded by Comm. Matthews, made a motion to approve the proposed changes to the contract with Rosser Funeral Home for the removal and transportation of human remains and additional monies to be moved from Operating Reserves if needed.

All voted aye; motion carried.

Commissioner Bailey returned to the meeting at 2:48 P.M.

6. CONSIDERATION OF RESOLUTION TO REQUEST TEXAS
TRANSPORTATION COMMISSION TO LOWER SPEED LIMIT ON
PORTIONS OF STATE HIGHWAY 174 DURING CONSTRUCTION-
PRECINCT #1

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the Resolution to Request Texas Transportation Commission to Lower Speed Limit on Portions of State Highway 174 During Construction in Precinct #1 from 60 MPH to 50 MPH in the unincorporated areas of the County per the Resolution.

All voted aye; motion carried.

Commissioner Bailey exited the meeting at 2:53 P.M.

8. CONSIDERATION OF AGREEMENT FOR ARBITRAGE REBATE
COMPLIANCE SERVICES BETWEEN JOHNSON COUNTY, TEXAS AND
FIRST SOUTHWEST ASSET MANAGEMENT, INC.-AUDITOR

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the Agreement for Arbitrage Rebate Compliance Services between Johnson County, Texas and First Southwest Asset Management, Inc. for the Auditor's Office and to give the County Judge the authorization to sign.

All voted aye; motion carried.

Commissioner Bailey returned to the meeting at 2:54 P.M.

9. CONSIDERATION OF ONE (1) ADDITIONAL CHANGE DRAWER OF \$100
AND UPGRADE TWO (2) EXISTING \$50 MONEY BAGS TO \$100-HAMM
CREEK PARK

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve one (1) additional change drawer of \$100 and upgrade two (2) existing \$50 money bags to \$100 for Hamm Creek Park.

All voted aye; motion carried.

Commissioner Bailey exited the meeting at 2:55 P.M.

11. CONSIDERATION TO DECLARE ITEMS AS SURPLUS UNDER LOCAL GOVERNMENT CODE SECTION 263.152 AND PLACE THEM ON RENE BATES AUCTION SITE FOR SALE-PURCHASING

Comm. Beeson, seconded by Comm. Matthews, made a motion to declare items as surplus under Local Government Code *Section 263.152* and place them on Rene Bates Auction Site for sale as attached for Purchasing.

All voted aye; motion carried.

12. CONSIDERATION OF A BOOK ENTITLED “100 OF THE WORLD’S MOST BEAUTIFUL PAINTINGS” TO BE GIVEN TO FRIENDS OF THE JOHNSON COUNTY HISTORICAL COMMISSION TO SELL PURSUANT TO LOCAL GOVERNMENT CODE SECTION 263.152(a)(4)(A)(B) AND (C)

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the book entitled “100 of the World’s Most Beautiful Paintings” to be given to Friends of the Johnson County Historical Commission to sell pursuant to Local Government Code *Section 263.152 (a)(4)(A)(B) and (C)*.

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 Bailey returned to the meeting at 2:57 P.M.

IX. NEW BUSINESS

10. CONSIDERATION OF A JOHNSON COUNTY EMPLOYEE APPRECIATION PICNIC TO BE HELD AT HAMM CREEK PARK

No Action.

There being no further business before the Court concerning this agenda, Commissioner's
Court adjourned at 2:57 P.M.

Submitted by: _____
County Clerk
Becky Williams

Approved by: _____
County Judge
Roger Harmon