

STATE OF TEXAS

[October 10, 2011](#)

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 10th day of October, 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 9:05 A.M., with all members present, and following the Invocation led by Marc West, member 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 October 6, 2011 at 11:49 A.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

1. PRESENTATION OF LENGTH OF SERVICE AWARDS FOR JOHNSON COUNTY EMPLOYEES

Employees of Johnson County were recognized for their service to the County and employees were given [Length of Service pins](#), as attached to these minutes.

V. PUBLIC PARTICIPATION

None.

VI. PUBLIC HEARINGS

The Commissioner's Court opened a Public Hearing at 9:13 A.M. to discuss:

1. “IN ACCORDANCE WITH CHAPTER 343 OF THE TEXAS HEALTH & SAFETY CODE, THE PREMISES LOCATED AT **9117 N. MONTERREY DR., ALVARADO, TEXAS 76009**, HAS BEEN IDENTIFIED AS A PUBLIC NUISANCE AND **WELLS FARGO BANK NA (% ANDREW D. HOHENESEE, VIOLATION SPECIALIST)** 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 [\*\*9117 N. Monterrey Dr., Alvarado, Texas 76009\*\*](#), has been identified as a public nuisance and **Wells Fargo Bank NA (% Andrew D. Hohenessee, Violation Specialist)** has been identified as the person responsible for causing or maintaining a public nuisance on the premises. This case began on June 16, 2011. This is a one acre tract with overgrown grass and weeds and a vacant mobile home on the premises. Notice of Violation letters were sent to Wells Fargo Bank by certified letter, fax and email and Det. Shaw shows Wells Fargo did receive those letters. Det. Shaw visited the property again on August 2, 2011 and no work had been done on the property so a certified Notice of Nuisance letter was mailed. Det. Shaw went to the property again on October 2, 2011 and still no abatement had been done on the property and this case was then brought to Court. 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. “IN ACCORDANCE WITH CHAPTER 343 OF THE TEXAS HEALTH & SAFETY CODE, THE PREMISES LOCATED AT **3508 MUSTANG GRAPE LN. , JOSHUA, TEXAS 76058**, HAS BEEN IDENTIFIED AS A PUBLIC NUISANCE AND **ROSE LAND AND FINANCE CORPORATION (C/O PROPERTY PRESERVATION)** 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 [3508 Mustang Grape Ln., Joshua, Texas 76058](#), has been identified as a public nuisance and **Rose Land and Finance Corporation (C/O Property Preservation)** has been identified as the person responsible for causing or maintaining a public nuisance on the premises. This case began on June 16, 2011. This is a tract with overgrown grass and weeds and a vacant double wide mobile home on the premises. This mobile home has been vacant for about eight years. Notice of Violation letters were sent to Rose Land and Finance Corporation (c/o Property Preservation) by certified letter and Det. Shaw shows Rose Land and Finance Corporation did receive the letter. Det. Shaw visited the property again on August 2, 2011 and no work had been done on the property so a certified Notice of Nuisance letter was mailed. Det. Shaw went to the property again on October 2, 2011 and still no abatement had been done on the property and this case was then brought to Court. The hearing was closed at 9:19 A.M.

VII. PRECEDING BUSINESS

1. CONSIDERATION OF ORDER #2011-35 – ORDER OF ABATEMENT OF A PUBLIC NUISANCE LOCATED AT 9117 N. MONTERREY DR., ALVARADO, TEXAS 76009

Comm. Stringer, seconded by Comm. Bailey, made a motion to approve [Order #2011-35](#), Order of Abatement of a Public Nuisance located at **9117 N. Monterrey Dr., Alvarado, Texas 76009**.

All voted aye; motion carried.

2. CONSIDERATION OF ORDER #2011-36 – ORDER OF ABATEMENT OF A PUBLIC NUISANCE LOCATED AT 3508 MUSTANG GRAPE LN., JOSHUA, TEXAS 76058

Comm. Thompson, seconded by Comm. Beeson, made a motion to approve [Order #2011-36](#), Order of Abatement of a Public Nuisance located at **3508 Mustang Grape Ln., Joshua, Texas 76058**.

All voted aye; motion carried.

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

- a. July 27, 2011 – Special Session
- b. August 30, 2011 – Special Session
- c. September 6, 2011 – Special Session
- d. September 7, 2011 – Special Session

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve the Commissioner's Court Minutes for July 27, 2011, August 30, 2011, September 6, 2011 and September 7, 2011.

All voted aye; motion carried.

4. CONSIDERATION OF REQUEST TO PAY BILLS

Comm. Thompson, 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 FINAL PLAT OF **HARDIN ADDITION**, LOT 1, BLOCK 1-PRECINCT #1

Comm. Bailey, seconded by Comm. Thompson, made a motion to approve the final plat of [Hardin Addition](#), Lot 1, Block 1 in Precinct #1.

All voted aye; motion carried.

7. CONSIDERATION OF **RFB #2012-102**-CULVERTS FOR PRECINCTS

Comm. Stringer, seconded by Comm. Beeson, made a motion to award [\*\*RFB #2012-102\*\*](#), Culverts for Precincts to Contech Construction Products per the attached list.

All voted aye; motion carried.

8. CONSIDERATION OF **RFB #2012-103**-CULVERT LINING FOR JOHNSON COUNTY

Comm. Stringer, seconded by Comm. Beeson, made a motion to award [\*\*RFB #2012-103\*\*](#), Culvert Lining for Johnson County to K & L Supply, Inc. and to maintain the 2009 pricing.

All voted aye; motion carried.

9. CONSIDERATION OF **RFB #2012-104**-UTILITY DUMP BED-PRECINCT #2

Comm. Thompson, seconded by Comm. Stringer, made a motion to award [\*\*RFB #2012-104\*\*](#), Utility Dump Bed for Precinct #2 Leach Trailers in the amount of \$8,580.00.

All voted aye; motion carried.

10. CONSIDERATION OF **RFB #2011-427**-PIPELINE EASEMENT RIGHT OF WAY FOR PRECINCT #1

Comm. Bailey, seconded by Comm. Thompson, made a motion to deny [\*\*RFB #2011-427\*\*](#), Pipeline Easement Right of Way for Precinct #1.

All voted aye; motion carried.

11. CONSIDERATION OF PERPETUAL LEASE FOR PIPELINE RIGHT OF WAY EASEMENT WITH CHESAPEAKE OPERATING, INC.-PRECINCT #1

Comm. Bailey, seconded by Comm. Thompson, made a motion to deny the Perpetual Lease for Pipeline Right of Way Easement with Chesapeake Operating, Inc. for Precinct #1.

All voted aye; motion carried.

12. CONSIDERATION TO DECLARE ITEMS AS SURPLUS UNDER LOCAL GOVERNMENT CODE SECTION 263.151(2) AND PLACE ON RENE BATES AUCTION FOR SALE

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve to [declare items as surplus](#) under Local Government Code *Section 263.151(2)* and place on Rene Bates Auction for sale per the attached list.

All voted aye; motion carried.

#### VIII. UNFINISHED BUSINESS

2. CONSIDERATION OF RECURRING ITEMS CONCERNING MARKET SQUARE

Discussion. No Action.

4. CONSIDERATION OF **ORDER #2011-29**-PROHIBITION OF OUTDOOR BURNING

County Judge Roger Harmon, seconded by Comm. Thompson, made a motion to rescind **Order #2011-29**, Prohibition of Outdoor Burning.

All voted aye; motion carried.

#### IX. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Pass.

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

- a. Technology-Justice of the Peace, Precinct #4-Supplies
- b. General-County Attorney-Personnel
- c. General-District Attorney-Personnel
- d. Pre-Trial Bond Supervision-Adult Probation-Supplies

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the Budget Amendments pursuant to the Local Government Code *Section 111.010-C* for Technology, Justice of the Peace, Precinct #4, Supplies to create a budget for copier/printer supplies which was approved in Commissioner's Court on September 26, 2011 in the amount of \$1,600.00; General, County Attorney, Personnel, for salary adjustments approved in Commissioner's Court on September 28, 2011 for the total amount of \$55,117.00; General, District Attorney, Personnel, for salary adjustments approved in Commissioner's Court on September 28, 2011 for the total amount of \$11,727.00; Pre-Trial Bond Supervision, Adult Probation, Supplies, for additional budget requirements for the total amount of \$3,510.00.

All voted aye; motion carried.

3. CONSIDERATION OF GRANT OF EASEMENT FROM FISHERMAN'S PARADISE HOME OWNERS ASSOCIATION-PRECINCT #1

Comm. Bailey, seconded by Comm. Thompson, made a motion to approve the [Grant of Easement from Fisherman's Paradise Home Owners Association](#) in Precinct #1 and to give the County Judge the authorization to sign.

All voted aye; motion carried.

4. CONSIDERATION OF INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF CLEBURNE FOR INMATE HOUSING

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

All voted aye; motion carried.

5. CONSIDERATION OF USE OF THE JOHNSON COUNTY OWNED PARKING LOT AT THE CORNER OF CADDO AND CHAMBERS STREETS ON FRIDAY, OCTOBER 21, 2011 FROM 6:00PM TO 9:00PM FOR A BENEFIT CONCERT TO RAISE MONEY TO BUILD BAT HOMES

County Judge Roger Harmon, seconded by Comm. Bailey, made a motion to table this item.

All voted aye; motion carried.

6. CONSIDERATION OF CONTINUATION CERTIFICATE FOR BOND FOR DEPUTY CONSTABLE SEAN BLANKS-CONSTABLE, PRECINCT #2

Comm. Thompson, seconded by Comm. Beeson, made a motion to approve the [Continuation Certificate for Bond for Deputy Constable Sean Blanks](#) for Constable, Precinct #2.

All voted aye; motion carried.

7. CONSIDERATION OF CONTINUATION CERTIFICATE FOR BOND FOR DEPUTY CONSTABLE ROBERT HEROD-CONSTABLE, PRECINCT #3

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the [Continuation Certificate for Bond for Deputy Constable Robert Herod](#) for Constable, Precinct #3.

All voted aye; motion carried.

8. CONSIDERATION OF REIMBURSEMENT TO THE CITY OF CLEBURNE FOR PARTICIPATION IN THE T.I.F. #1 (INDUSTRIAL), AND T.I.F. #2 (DOWNTOWN) DUE TO ADDITIONAL VALUES ADDED FOR THE 2010 TAX YEAR IN THE AMOUNT OF \$145,297.96 FOR T.I.F. #1 AND \$52,287.14 FOR T.I.F. #2

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the reimbursement to the [City of Cleburne for participation in the T.I.F. #1 \(Industrial\)](#), and T.I.F. #2 (Downtown) due to additional values added for the 2010 tax year in the amount of \$145,297.96 for T.I.F. #1 and \$52,287.14 for T.I.F. #2.

All voted aye; motion carried.

9. CONSIDERATION OF REIMBURSEMENT TO THE CITY OF ALVARADO FOR PARTICIPATION IN THE TIRZ #1 FOR THE 2010 TAX YEAR IN THE AMOUNT OF \$5,417.29 FOR TIRZ #1

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the reimbursement to the [City of Alvarado for participation in the TIRZ #1](#) for the 2010 tax year in the amount of \$5,417.29 for TIRZ #1.

All voted aye; motion carried.

10. CONSIDERATION TO CONTINUE ANNUAL JOHNSON COUNTY EMPLOYEE CHRISTMAS PARTY AND APPROVAL OF DECEMBER 10, 2011 AS EVENT DATE

Comm. Bailey, seconded by Comm. Thompson, made a motion to [approve to continue the Annual Johnson County Employee Christmas Party](#) and approval of December 10, 2011 as the event date.

All voted aye; motion carried.

5. CONSIDERATION OF USE OF THE JOHNSON COUNTY OWNED PARKING LOT AT THE CORNER OF CADDO AND CHAMBERS STREETS ON FRIDAY, OCTOBER 21, 2011 FROM 6:00PM TO 9:00PM FOR A BENEFIT CONCERT TO RAISE MONEY TO BUILD BAT HOMES

Discussion to clarify item. No other action.

11. CONSIDERATION TO PURCHASE ONE FREE-STANDING UNIVERSAL TOWER HD21-50 (TOWER 50'), ONE UNIVERSAL TOWER B-30 BASE-EMERGENCY OPERATIONS CENTER

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve to [purchase one free-standing Universal Tower HD21-50 \(Tower 50'\)](#), one Universal Tower B-30 Base for the Emergency Operations Center and to approve an additional \$800.00 maximum for the erection of the tower if needed.

All voted aye; motion carried.

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve to withdraw the competitive bid for the turnkey job for the installation of a radio tower for the Emergency Operations Center.

All voted aye; motion carried.

12. CONSIDERATION OF APPROVAL OF REOCCURRING MONTHLY EXPENSE OF \$45.00 FOR CSCD FOR ONE AIR CARD

Comm. Thompson, seconded by Comm. Bailey, made a motion to [approve the reoccurring monthly expense of \\$45.00 for CSCD for one air card.](#)

All voted aye; motion carried.

13. CONSIDERATION OF APPROVAL OF REOCCURRING EXPENSES FOR AT&T PLEXAR TELEPHONE LINES-EMERGENCY OPERATIONS CENTER

Comm. Beeson, seconded by Comm. Bailey, made a motion to table this item until the continuation of this Court tomorrow, October 11, 2011.

All voted aye; motion carried.

14. CONSIDERATION OF SRO INTERLOCAL AGREEMENTS FOR THE FOLLOWING SCHOOL DISTRICTS FOR THE 2011-2012 SCHOOL YEAR

- a. [Grandview ISD](#)
- b. [Venus ISD](#)
- c. [Joshua ISD](#)
- d. [Alvarado ISD](#)
- e. [Godley ISD](#)

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the SRO Interlocal Agreements for Grandview ISD, Venus ISD, Joshua ISD, Alvarado ISD and Godley ISD and to give the County Judge and the Sheriff the authorization to sign.

All voted aye; motion carried.

15. CONSIDERATION OF ASAP INTERLOCAL AGREEMENTS FOR THE FOLLOWING SCHOOL DISTRICTS FOR THE 2011-2012 SCHOOL YEAR

- a. [Cleburne ISD](#)
- b. [Joshua ISD](#)
- c. [Burleson ISD](#)

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve the ASAP Interlocal Agreements for Cleburne ISD, Joshua ISD and Burleson ISD and to give the County Judge and the Sheriff the authorization to sign.

All voted aye; motion carried.

16. CONSIDERATION OF THE NOVEMBER 8, 2011 CONSTITUTIONAL AMENDMENT ELECTION:

- a. [Amended Early Voting Judge](#)

Comm. Stringer, seconded by Comm. Thompson, made a motion to approve the Amended Early Voting Judge for the November 8, 2011 Constitutional Amendment Election per the attached list.

All voted aye; motion carried.

- b. [Amended Election Day Judges](#)

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the Amended Election Day Judges for the November 8, 2011 Constitutional Amendment Election per the attached list.

All voted aye; motion carried.

17. CONSIDERATION OF CONTRACT WITH MANSFIELD ISD FOR THE NOVEMBER 8, 2011 CONSTITUTIONAL AMENDMENT ELECTION

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve the [Contract with Mansfield ISD](#) for the November 8, 2011 Constitutional Amendment Election and to give the County Judge the authorization to sign.

All voted aye; motion carried.

18. CONSIDERATION OF CELL PHONE ALLOWANCE AT \$40.00 PER MONTH FOR ALVARADO SRO

Comm. Stringer, seconded by Comm. Thompson, made a motion to [approve the cell phone allowance at \\$40.00 per month for Alvarado SRO](#) with Alvarado ISD reimbursing the County for this allowance.

All voted aye; motion carried.

19. CONSIDERATION OF CONTRACT WITH ALTERNATIVE MAILING & SHIPPING SYSTEMS, INC. FOR AUTOMATIC DIGITAL MAIL SYSTEM FOR FISCAL YEAR 2011-2012

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve the [Contract with Alternative Mailing & Shipping Systems, Inc.](#) for Automatic Digital Mail System for fiscal year 2011-2012 at a cost of \$4,453.00 and to give the County Judge the authorization to sign.

All voted aye; motion carried.

X. CONSENT AGENDA

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

All voted aye; motion carried.

The Commissioner's Court recessed at 10:20 A.M. and reconvened at 10:32 A.M. to consider the following:

**BE IT KNOWN** that Commissioner's Court met in Executive Session at 10:33 A.M. in accordance with Government Code *Sec. 551.074*-Personnel, Heather Carmichael, Purchasing and Rebecca Walsh, Purchasing.

The Commissioner's Court reconvened into Open Session at 10:44 A.M. to consider the following:

XII. EXECUTIVE SESSION

1. Government Code:

a. *Sec. 551.074-Personnel*

1. Heather Carmichael, Purchasing

Comm. Beeson, seconded by Comm. Bailey, made a motion to authorize the Purchasing Agent, Margaret Cook to hire Heather Carmichael at a starting salary of \$27,021.00.

All voted aye; motion carried.

2. Rebecca Walsh, Purchasing

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the change in salary for Rebecca Walsh to \$28,840.00.

All voted aye; motion carried.

1. Heather Carmichael, Purchasing

Comm. Beeson, seconded by Comm. Bailey, made an amended motion to authorize the Purchasing Agent, Margaret Cook to hire Heather Carmichael at a starting salary of \$27,021.00 effective today, October 10, 2011.

All voted aye; motion carried.

2. Rebecca Walsh, Purchasing

Comm. Bailey, seconded by Comm. Beeson, made an amended motion to approve the change in salary for Rebecca Walsh to \$28,840.00 effective today, October 10, 2011.

All voted aye; motion carried.

1. Heather Carmichael, Purchasing

Comm. Beeson, seconded by Comm. Bailey, made an amended motion to authorize the Purchasing Agent, Margaret Cook to hire Heather Carmichael at a starting salary of \$27,021.00 for position F07-001, effective today October 10, 2011 with \$3,000.00 transferred from position F16-001.

All voted aye; motion carried.

2. Rebecca Walsh, Purchasing

Comm. Bailey, seconded by Comm. Beeson, made an amended motion to approve the change in salary for Rebecca Walsh to \$28,840.00 for position F16-001 effective today October 10, 2011, but the budgeted salary for that position will be \$30,482.00.

All voted aye; motion carried.

The Commissioner's Court recessed at 10:55 A.M. and reconvened October 11, 2011 at 9:00 A.M. to consider the following:

XI. WORKSHOP

The Commissioner's Court convened into Workshop Session at 9:00 A.M. to discuss the Construction Manager at Risk (CMAR) for the Adult Probation Building.

The Commissioner's Court recessed at 10:17 A.M. and reconvened at 10:27 A.M.

The Commissioner's Court reconvened into Open Session at 11:30 A.M.

VIII. UNFINISHED BUSINESS

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

County Judge Roger Harmon, seconded by Comm. Thompson, made a motion to [rank Construction Managers at Risk \(CMAR\)](#), pursuant to *Section 271.118* of the Local Government Code for the Adult Probation Building in the following order: Pete Durant and Associates first, Modern Contractors second, Pogue Construction third and RBR Construction fourth.

All voted aye; motion carried.

3. CONSIDERATION OF ARCHITECTURAL DESIGN, SPECIFICATION, FINANCIAL PROGRAM REQUIREMENT AND CONTRACTS FOR THE EMERGENCY OPERATIONS CENTER GRANT

Passed.

#### IX. NEW BUSINESS

13. CONSIDERATION OF APPROVAL OF REOCCURRING EXPENSES FOR AT&T PLEXAR TELEPHONE LINES-EMERGENCY OPERATIONS CENTER

Comm. Beeson, seconded by Comm. Bailey, made an amended motion to approve the reoccurring expenses for ten (10) AT&T Plexar telephone lines and 23 phones with a one time installation charge of \$500.00, 23 phone sets at approximately \$50.00 each and approximately \$20.85 per line recurring monthly, for a total approximate cost of \$4,152.00 for the first year for the Emergency Operations Center.

All voted aye; motion carried.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 11:40 A.M.

Submitted by: \_\_\_\_\_  
County Clerk  
Becky Williams

Approved by: \_\_\_\_\_  
County Judge  
Roger Harmon