

STATE OF TEXAS

[November 28, 2011](#)

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 28th day of November, 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 Royce Dodd, Interim Pastor, 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 November 23, 2011 at 8:02 A.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

Judge Harmon announced that the State changed the filing dates for the forthcoming elections, with November 28, 2011 being the first day to file and December 15, 2011 being the last day to file. The local Democrat and Republican offices will be open today for candidates wishing to file for office.

1. PRESENTATION FROM DONALD KELM, DISTRICT EXTENSION ADMINISTRATOR OF THE EXTENSION NEWSLETTER

Donald Kelm, District Extension Administrator of the [Extension Newsletter](#) made a presentation to the Court.

V. PUBLIC PARTICIPATION

None.

VI. PUBLIC HEARINGS

The Commissioner's Court opened a Public Hearing at 9:12 A.M. to discuss:

1. "JOHNSON COUNTY JUVENILE CURFEW"

Lisa Tomlinson, Juvenile Services Director spoke in favor of the Johnson County Juvenile Curfew. She stated this was a renewal of the original Juvenile Curfew and she felt it should be approved. Captain Mike Gilbert, Johnson County Sheriff's Department also spoke in favor of approving the Johnson County Juvenile Curfew. The hearing was closed at 9:17 A.M.

The Commissioner's Court opened a Public Hearing at 9:18 A.M. to discuss:

2. "IN ACCORDANCE WITH CHAPTER 343 OF THE TEXAS HEALTH & SAFETY CODE, THE PREMISES LOCATED AT **6001 SHORT CAKE LN., JOSHUA, TEXAS 76058, JOHNSON COUNTY, TEXAS, HAS BEEN IDENTIFIED AS A PUBLIC NUISANCE AND HSBC MORTGAGE SERVICES 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 **6001 Short Cake Ln., Joshua, Texas 76058, Johnson County, Texas**, has been identified as a public nuisance and **HSBC Mortgage Services** has been identified as the person responsible for causing or maintaining a public nuisance on the premises. This case began in May 2011 with the first inspection of the property on June 17, 2011. The property has overgrown grass and weeds that could harbor mosquitoes, rats and other pests and a small amount of debris. Det. Shaw checked with Central Appraisal District and determined the owners to be Douglas and Denise Chaney, with certified Notice of Violation letters sent to the Chaney's. The Chaney's sent back notification that the property was not theirs and ownership had gone back to HSBC Mortgage. Notices of Violation letters were sent certified mail to HSBC Mortgage without any response during the 45 day abatement period. Det. Shaw was able to get a

telephone number for HSBC Mortgage and spoke with Maria Vadney and she asked Det. Shaw to send the notices to her and she would hand walk the notices to the proper offices. Notices of Violation letters were sent out, again without any response during the 45 day abatement period. A certified letter was mailed to HSBC Mortgage informing them of the hearing date. The property was inspected again on November 17, 2011 and the property still had not been abated. The hearing was closed at 9:32 A.M.

The Commissioner's Court opened a Public Hearing at 9:32 A.M. to discuss:

3. “IN ACCORDANCE WITH CHAPTER 343 OF THE TEXAS HEALTH & SAFETY CODE, THE PREMISES LOCATED AT **3213 CR 911, JOSHUA, TEXAS 76058, JOHNSON COUNTY, TEXAS, 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 **3213 CR 911, Joshua, Texas 76058, Johnson County, Texas**, 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 property is a corner, vacant lot with overgrown grass and weeds. The first inspection of the property was on June 17, 2011. Det. Shaw checked with the Central Appraisal District and determined the owners to be Rose Land and Finance Corporation. Notices of Violation letters were sent certified mail and no response was received back from Rose Land. Det. Shaw stated that Rose Land and Finance Corporation have a history of no response on cases such as this. A certified letter informing them of the hearing date was sent. The property was inspected again on November 17, 2011 and the property still had not been abated. The hearing was closed at 9:36 A.M.

VII. PRECEDING BUSINESS

1. CONSIDERATION OF ORDER #2011-46 – “JOHNSON COUNTY JUVENILE CURFEW”

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve [Order #2011-46](#), Johnson County Juvenile Curfew.

All voted aye; motion carried.

2. CONSIDERATION OF ORDER #2011-44 – “ORDER ABATING NUISANCE AT 6001 SHORT CAKE LN., JOSHUA, TEXAS 76058, JOHNSON COUNTY, TEXAS”

Comm. Thompson, seconded by Comm. Stringer, made a motion to approve [Order #2011-44](#), Order Abating Nuisance at 6001 Short Cake Ln., Joshua, Texas 76058, Johnson County, Texas.

All voted aye; motion carried.

3. CONSIDERATION OF ORDER #2011-45 – “ORDER ABATING NUISANCE AT 3213 CR 911, JOSHUA, TEXAS 76058, JOHNSON COUNTY, TEXAS”

Comm. Thompson, seconded by Comm. Beeson, made a motion to approve [Order #2011-45](#), Order Abating Nuisance at 3213 CR 911, Joshua, Texas 76058, Johnson County, Texas.

All voted aye; motion carried.

IX. NEW BUSINESS

5. CONSIDERATION OF JOHNSON COUNTY EMERGENCY ACTION PLANS FOR HIGH HAZARD FLOODWATER RETARDING STRUCTURES FOR THE CHAMBERS WATERSHED TO INCLUDE SITE 30, SITE 31, SITE 32, SITE 33, SITE 35, SITE 36, SITE 37, SITE 58, SITE 59, SITE 61, AND SITE 62

Comm. Bailey, seconded by Comm. Thompson, made a motion to approve the Johnson County Emergency Action Plans for High Hazard Floodwater Retarding Structures for the Chambers Watershed to include [Site 30](#), [Site 31](#), [Site 32](#), [Site 33](#), [Site 35](#), [Site 36](#), [Site 37](#), [Site 58](#), [Site 59](#), [Site 61](#), and [Site 62](#), with the correction to the person responsible for ordering any evacuations to be the County Judge instead of Jack Snow, and to give the County Judge, the Sheriff and the Emergency Management Coordinator the authorization to sign.

All voted aye; motion carried.

8. CONSIDERATION OF AGREEMENT FOR ACCESS TO SURVEY AND AGREEMENT TO EXECUTE A GRANT OF EASEMENT BETWEEN LY PROPERTY INVESTMENTS, L.P. AND JOHNSON COUNTY, TEXAS FOR REALIGNMENT OF CR 1123 AT SH 67-PRECINCT #1

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the [Agreement for Access to Survey and Agreement to Execute a Grant of Easement](#) between LY Property Investments, L. P. and Johnson County, Texas for realignment of CR 1123 at SH 67 in Precinct #1 and to give the County Judge the authorization to sign.

Comm. Rick Bailey	Aye
Comm. Troy Thompson	Aye
Comm. Jerry Stringer	Aye
Comm. Don Beeson	Aye
County Judge Roger Harmon	Abstained

Motion carried.

9. CONSIDERATION OF RESOLUTION CALLING ALL OF THE OUTSTANDING JOHNSON COUNTY, TEXAS CERTIFICATES OF OBLIGATION, SERIES 2004 FOR REDEMPTION PRIOR TO MATURITY; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT TO INCLUDE SCHEDULE "A" NOTICE OF REDEMPTION

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve the [Resolution Calling All of the Outstanding Johnson County, Texas Certificates of Obligation, Series 2004 for Redemption Prior to Maturity; and Enacting Other Provisions Relating to the Subject to Include Schedule “A” Notice of Redemption and to give the County Judge the authorization to sign.](#)

All voted aye; motion carried.

10. CONSIDERATION OF STATEMENT EXPRESSING OFFICIAL INTENT TO REIMBURSE COSTS OF THE COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT PROJECT

Comm. Beeson, seconded by Comm. Thompson, made a motion to approve the statement expressing official intent to [reimburse costs of the Community Supervision and Corrections Department Project](#) and to give the County Judge the authorization to sign.

All voted aye; motion carried.

The Commissioner’s Court recessed at 10:34 A.M. and reconvened at 10:51 A.M. to consider the following:

VII. PRECEDING BUSINESS

4. CONSIDERATION OF ORDER #2011-43 – “ORDER APPROVING THE JOHNSON COUNTY TREASURER’S REPORT”

Comm. Bailey, seconded by Comm. Thompson, made a motion to approve [Order #2011-43](#), Order Approving the [Johnson County Treasurer’s Report](#).

All voted aye; motion carried.

5. 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.

6. 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.

7. CONSIDERATION OF FINAL PLAT OF LOT 1, BLOCK 1 TINKER HEIGHTS-PRECINCT #4

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve the [final plat of Lot 1, Block 1, Tinker Heights](#) in Precinct #4.

All voted aye; motion carried.

8. CONSIDERATION OF FINAL RE-PLAT OF LOTS 5 THRU LOT 11, BLOCK 1 BLUEGRASS ESTATES – SECTION ONE INTO LOTS 5-R THRU 11-R & LOT 11-R-1, BLOCK 1-PRECINCT 2

Comm. Thompson, seconded by Comm. Stringer, made a motion to approve the [final re-plat of Lots 5 thru Lot 11, Block 1 Bluegrass Estates](#), Section One into Lots 5-R thru 11-R & Lot 11-R-1, Block 1 in Precinct #2.

All voted aye; motion carried.

9. CONSIDERATION OF RFP #2012-101-BULK FUEL FOR JOHNSON COUNTY

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

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

2. CONSIDERATION OF RECURRING ITEMS CONCERNING MARKET SQUARE

Discussion. No Action.

4. CONSIDERATION TO DECLARE A 1973 DACO WATER TRAILER, SERIAL #T3002 AS SURPLUS UNDER LOCAL GOVERNMENT CODE SECTION 263.152 AND PLACE ON RITCHIE BROTHERS AUCTION FOR SALE ON DECEMBER 8-9, 2011-PRECINCT #2

Comm. Thompson, seconded by Comm. Bailey, made a motion to approve to [declare a 1973 Daco water trailer, serial #T3002 as surplus](#) under Local Government Code *Section 263.152* and place on Ritchie Brothers Auction for sale on December 8-9, 2011 for Precinct #2.

All voted aye; motion carried.

IX. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve to advertise for bids/proposals for request for qualifications for a surveyor for the County pursuant to Government Code Chapter 2254.

All voted aye; motion carried.

2. CONSIDERATION OF FY 2012 BUDGET AMENDMENT PURSUANT TO THE LOCAL GOVERNMENT CODE SECTION 111.010-C for:
 - a. [Justice of the Peace Tech Fund, Precinct #4-Dues and Conferences](#)

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the FY 2011 Budget Amendments pursuant to the Local Government Code *Section 111.010-C* for Justice of the Peace Tech Fund, Precinct #4, Dues and Conferences for training reimbursement for Fredericksburg on October 19-21, 2011 in the amount of \$100.00.

All voted aye; motion carried.

3. CONSIDERATION OF QUARTERLY PAYMENT OF \$200,000.00 TO THE TEXAS HEALTH AND HUMAN SERVICES COMMISSION UNDER THE MEDICAID SUPPLEMENTAL PAYMENT PROGRAM PURSUANT TO THE INDIGENT CARE AFFILIATION AGREEMENT BETWEEN JOHNSON COUNTY AND HUGULEY MEMORIAL MEDICAL CENTER

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the Quarterly Payment of \$200,000.00 to the Texas Health and Human Services Commission under the Medicaid Supplemental Payment Program pursuant to the Indigent Care Affiliation Agreement between Johnson County and Huguley Memorial Medical Center.

All voted aye; motion carried.

4. CONSIDERATION OF SALE PRICE OF THE NEW JOHNSON COUNTY MAPS

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the sale price of the new Johnson County Maps at \$15.00 each and they are available from the Elections Office.

All voted aye; motion carried.

6. CONSIDERATION OF USE OF TECH FUND MONIES FOR JUDGE JOHNNY BEKKELUND, KATHY OSIER AND APRIL SHEARER TO ATTEND FY 2012 JUVENILE LAW WORKSHOP IN FREDRICKSBURG, TEXAS ON OCTOBER 19-21, 2011-JUSTICE OF THE PEACE, PRECINCT #4

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve the use of [Tech Fund monies for Judge Johnny Bekkelund, Kathy Osier and April Shearer](#) to attend FY 2012 Juvenile Law Workshop in Fredericksburg, Texas on October 19-21, 2011 for Justice of the Peace, Precinct #4.

All voted aye; motion carried.

7. CONSIDERATION OF CONTRACT WITH WEST PUBLISHING CORPORATION FOR CLEAR SERVICES-COUNTY ATTORNEY'S OFFICE

Comm. Bailey, seconded by Comm. Thompson, made a motion to approve the [Contract with West Publishing Corporation for CLEAR Services](#) for the County Attorney's Office at no cost to the County and to give the County Judge the authorization to sign.

All voted aye; motion carried.

11. CONSIDERATION OF NOTICE TO CANCEL THE CONTRACT WITH ALLIED WASTE FOR TRASH PICKUP EFFECTIVE APRIL 12, 2012- PRECINCT #3

Comm. Stringer, seconded by Comm. Bailey, made a motion to approve the notice to cancel the contract with Allied Waste for trash pickup effective April 12, 2012 for Precinct #3 and to give the County Judge the authorization to draft and sign a cancellation letter.

All voted aye; motion carried.

12. CONSIDERATION OF AMENDMENT NO. 1 TO CONTRACT NO. CS0694 BETWEEN THE COUNTY OF JOHNSON AND COMPTROLLER OF PUBLIC ACCOUNTS STATE ENERGY CONSERVATION OFFICE (SECO) RELATED TO AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG)

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve the [Amendment No. 1 to Contract No. CS0694](#) between the County of Johnson and Comptroller of Public Accounts State Energy Conservation Office (SECO) related to American Recovery and Reinvestment Act (ARRA) Energy efficiency and Conservation Block Grant (EECBG) and to give the County Judge the authorization to sign.

All voted aye; motion carried.

13. CONSIDERATION TO DECLARE LIST OF ITEMS AS SURPLUS UNDER LOCAL GOVERNMENT CODE SECTION 263.152 AND PLACE WITH RITCHIE BROTHERS AUCTIONEERS FOR SALE-PRECINCT #2

Comm. Thompson, seconded by Comm. Stringer, made a motion to approve to [declare list of items as surplus](#) under Local Government Code *Section 263.152* and place with Ritchie Brothers Auctioneers for sale for Precinct #2.

All voted aye; motion carried.

14. CONSIDERATION OF PURCHASE OF NEW 2011 JOHN DEERE 544K (FRONT END LOADER)-PRECINCT #4

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the [purchase of new 2011 John Deere 544K \(front end loader\)](#) for Precinct #4 from BuyBoard with vendor RDO Equipment Co. with a 1997 CAT 924F front end loader, serial number 5NN00961 with 6,028 hours to be used as a trade-in, for a total cost of \$110,500.00.

All voted aye; motion carried.

15. CONSIDERATION OF B&W MAINTENANCE CONTRACT WITH LASER TECH SOLUTIONS FOR A CANON IR 3035 COPIER-COUNTY JUDGE'S OFFICE

Comm. Thompson, seconded by Comm. Bailey, made a motion to approve the [B & W Maintenance Contract with Laser Tech Solutions](#) for a Canon IR 3035 copier for the County Judge's Office and to give the County Judge the authorization to sign.

All voted aye; motion carried.

16. CONSIDERATION OF RENEWAL OF THE MOTOROLA SOLUTIONS SERVICES AGREEMENT FOR AUDIO RECORDING EQUIPMENT FOR THE JAIL

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the renewal of the [Motorola Solutions Services Agreement](#) for audio recording equipment for the Jail and to give the County Judge the authorization to sign.

All voted aye; motion carried.

17. CONSIDERATION TO ACCEPT THE AWARD PAYMENT FOR THE 2011 SCAAP (STATE CRIMINAL ALIEN ASSISTANCE PROGRAM) GRANT IN THE AMOUNT OF \$89,327.00

Comm. Thompson, seconded by Comm. Bailey, made a motion to approve to accept the award payment for the [2011 SCAAP \(State Criminal Alien Assistance Program\) Grant](#) in the amount of \$89,327.00.

All voted aye; motion carried.

18. CONSIDERATION OF THE NEW UNITED HEALTH CARE RATES DUE TO ELIMINATION OF THE 2% COMMISSION PAID TO PREVIOUS AGENT OF RECORD

Comm. Bailey, seconded by Comm. Thompson, made a motion to approve the [new United Health Care rates due to elimination of the 2% commission](#) paid to previous Agent of Record effective October 1, 2011.

All voted aye; motion carried.

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

Judge Harmon informed the Court that Randy Gillespie, Personnel Director was not in Court today due to a death in his family.

IX. NEW BUSINESS

19. CONSIDERATION OF FINAL BILL OF GUINN & MORRISON FOR REDISTRICTING SERVICES FOR JOHNSON COUNTY

Comm. Beeson, seconded by Comm. Bailey, made a motion to deny the [final bill of Guinn & Morrison for Redistricting Services](#) for Johnson County for the amount on the invoice and give the County Judge authorization to send a letter to Guinn & Morrison stating Johnson County will be paying the original amount of \$25,000.00 which was approved by Commissioner's Court.

All voted aye; motion carried.

X. CONSENT AGENDA

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

All voted aye; motion carried.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 11:29 A.M.

Submitted by: _____
[County Clerk](#)
Becky Williams

Approved by: _____
County Judge
Roger Harmon