

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

January 4, 2011
7:00 P.M.

Commissioners Present: J. Harry Lange, Joey M. Loudermilk, Becky Langston, Jim Woods, Charles Wyatt. Staff Present: Daniel B. Bridges, County Manager; John M. Taylor, County Attorney; Nancy D. McMichael, County Clerk.

1. **CALL TO ORDER.** Chairman Lange called the Regular Session to order and welcomed Commissioners Langston and Woods.
2. **MINUTES.** The motion to approve the minutes of the December 21, 2010, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed with four in favor (Loudermilk, Wyatt, Lange, Woods), no opposition, and one abstention (Langston).
3. **ORGANIZATION OF COMMISSION**
 - A. **Chairman, Vice-Chairman, County Attorney, County Clerk.** Commissioner Wyatt made the motion to re-elect Commissioner Lange as Chairman and Commissioner Loudermilk as Vice-Chairman, and to reappoint John Taylor as County Attorney and Nancy McMichael as County Clerk. The motion was seconded by Commissioner Woods and passed unanimously.
4. **OLD BUSINESS**
 - A. **Second Reading: Alcohol Ordinance Amendments.** Chairman Lange said that this was the Second Reading and asked for comments from the Commissioners and the audience. There being none, he asked for a motion. The motion to approve the amendments to the Alcohol Ordinance for the purpose of allowing the sale of distilled spirits by the drink for consumption on premises was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.
 - B. **Reappointments/Appointments.** The following reappointments/appointments were made.
 - (1) **Development Authority.** Action regarding the position held by Ken Napier was tabled.
 - (2) **Library Board.** Upon the motion by Commissioner Woods, second by Commissioner Langston, and unanimous vote, Jim Trott was appointed to the position formerly held by Pat McNamara. Mr. Trott's term will be January 1, 2011, to December 31, 2013.
 - (3) **Planning Commission.** Upon the motion by Commissioner Langston, second by Commissioner Loudermilk, and unanimous vote, John Britt was appointed to the position formerly held by Garnett Ray, III (District 3). Upon the motion by Commissioner Wyatt, second by Commissioner Loudermilk, and unanimous vote, Willie Rutledge was reappointed. The term of Mr. Britt and Mr. Rutledge will be January 1, 2011, to December 31, 2015.
 - (4) **Recreation Board.** Upon the recommendation of Danny Bridges, County Manager, action regarding the dissolution of this Board was tabled by Commissioner Lange.
 - (5) **Two Rivers Resource Conservation & Development Council.** Commissioner Wyatt said that he is resigning from the position he holds on the Two Rivers Council and he made the motion to appoint Commissioner Woods in his place. The motion was seconded by Commissioner Loudermilk and passed unanimously.
 - (6) **All-Hazards Council.** Commissioner Wyatt said that he is resigning from the position he holds on the All-Hazards Council and he made the motion to appoint Commissioner Langston in his place. The motion was seconded by Commissioner Loudermilk and passed unanimously.
5. **NEW BUSINESS**
 - A. **Appeal of Planning Commission Decision: Gayle Reynolds.** Chairman Lange

said that the appeal is regarding the decision of the Planning Commission to deny the request of Gayle Reynolds to divide 2.29 acres into two tracts of 0.93 acre and 1.36 acres. Gayle Reynolds was not in attendance. Commissioner Loudermilk made the motion to uphold the decision of the Planning Commission to deny the subdivision of the 2.29 acres on the grounds that it would violate the County's ordinance. Commissioner Langston seconded the motion. In discussion, Commissioner Wyatt said that there have been instances where similar properties have been divided. The motion to uphold the decision of the Planning Commission passed with four in favor (Loudermilk, Langston, Lange, Woods) and one opposed (Wyatt).

- B. **Financial Statement: November 2010.** The motion to approve the Financial Statement of November 2010 was made by Commissioner Wyatt, seconded by Chairman Lange, and passed with four in favor (Wyatt, Lange, Loudermilk, Woods), no opposition, and one abstention (Langston).
- C. **Valley Partnership.** Chairman Lange said that he had requested this topic be on the agenda in order to keep the Board apprised of what the Valley Partnership is and does. He then explained that Harris County is one of 9 governmental entities that belong to the Valley Partnership; that the Partnership is a tool to help with the economic development in the region; and that the matrix, which was included in the meeting packet, shows each entity and its preparedness for various economic factors. He also said that he understands a new person will be hired by the Partnership soon whose main focus is to be on the northwest part of the County. Discussion included the various factors reflected on the matrix; that the County currently pays \$23,695 to be part of the Partnership based on the census; that that amount will change due to the recent census; and that redistricting as a result of the most recent census will not take place until 2012 in time for the 2012 elections.
- D. **Alcohol Fee Schedule Revision.** Chairman Lange said that it has been recommended that the license fees be increased for Beer On and Off Premises and Wine On and Off from \$200 to \$500 for On Premises and from \$100 to \$250 for Off Premises, and that the license fee for Distilled Spirits by the Drink be set at \$2,500. Danny Bridges, County Manager, said that there has been no increase in the On and Off Premises fees since the 1980s; that the increases are based on fees charged by Counties in our area or our size; that whether or not the increases are approved, a fee must be set for the Distilled Spirits by the Drink. The motion to approve the increases for Beer On Premises from \$200 to \$500, Wine On Premises from \$200 to \$500, Beer Off Premises from \$100 to \$250, Wine Off Premises from \$100 to \$250, and to set the fee for Distilled Spirits by the Drink at \$2,500 was made by Commissioner Loudermilk, seconded by Chairman Lange, and passed unanimously. Mr. Bridges said that the new rates will be effective with new applications and with renewals for 2012. (Document can be found in "Miscellaneous Documents" file as MD# 11-01.)
- E. **Checking Accounts: Authorize Signers.** Nancy McMichael, County Clerk, said that Wachovia/Wells Fargo is now requiring action by the Board in the form of a vote or resolution authorizing the signers on our various checking accounts, and that a list of the accounts had been provided in the meeting packets, as follows:

Lange, Langston, Loudermilk, Woods, Wyatt, Bridges, McMichael, Shelhorse as authorized signers on: 2000007965955 (HCBOC - General), 2051200097967 (HCBOC - Vendor), 2051200098186 (HCBOC - Payroll), 2080000654306 (1999 SPLOST), 2000016193174 (2004 SPLOST), and 2000048561910 (2009 SPLOST).

Bridges, McMichael, and Shelhorse as authorized signers on: 2000028988270 (HCBOC - Callaway), 2051200014474 (HCBOC - Law Library), 2000016192803 (SPHINX-DA Account), 2080000079680 (Crime Victims), 2080000079897 (Alternative Dispute), 2000028988

050
 (HCBOC -
 Hotel/Motel
 Tax),
 2000016192
 764
 (HCBOC -
 Walking
 Trail),
 2080000743
 822
 (HCBOC -
 DOT ISTE
 Grant),
 2080000079
 240
 (HCBOC-91
 1),
 2000028988
 063
 (HCBOC -
 Dev
 Authority),
 2080000654
 827
 (HCBOC -
 Mental
 Health),
 2080000079
 088
 (HCBOC -
 Drug
 Abuse),
 2080000079
 114
 (HCBOC -
 Jail Fund),
 2000007965
 942
 (HCBOC -
 MR Center),
 2080000079
 473 (Solid
 Waste)

The motion to authorize the signers as indicated for each account was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed with four in favor (Wyatt, Loudermilk, Lange, Langston), no opposition, and one abstention (Woods).

6. **COUNTY MANAGER**

- A. **Taxi Cabs.** Danny Bridges, County Manager, reminded the Board that the Zoning Ordinance is an exclusionary ordinance, whereby if a particular business is not listed, it cannot legally be licensed in the County; that he has received requests to allow taxi cabs, which are not included in the Zoning matrix; and that he would like to know if there are any objections to moving forward with the Zoning amendment process to add taxi cabs and the like to the Ordinance. There were no objections.

7. **COUNTY ATTORNEY.**

- A. **Contract with Batson-Cook re: Community Center.** John Taylor, County Attorney, explained the document and recommended approval of same with two minor corrections to section 9.2, which are: (1) strike "Arbitration pursuant to Section 15.4 of AIA Document A201-2007" and replace with "Mediation" and check that box, and (2) strike "Litigation in a court of competent jurisdiction" and replace with "Litigation in Harris County Superior Court" and check that box also. The motion to approve the contract with the recommended changes was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #11-01.)

8. **RECESS FOR EXECUTIVE SESSION.** Commissioner Wyatt, at 7:32 PM, made the motion to go into Executive Session for the purpose of discussing real estate acquisition. The motion was seconded by Chairman Lange and passed unanimously.

9. **RESUME REGULAR SESSION**. The motion to go back into Regular Session was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.
10. **ADJOURNMENT**. There being no further business to discuss, the motion to adjourn was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.

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J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk