

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

April 5, 2011
7:00 P.M.

Commissioners Present: J. Harry Lange, Becky Langston, Jim Woods, Charles Wyatt.
Absent: Joey M. Loudermilk. 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.
2. **MINUTES.** The motion to approve the minutes of the March 15, 2011, Regular Session was made by Commissioner Langston, seconded by Commissioner Woods and passed unanimously.
3. **NEW BUSINESS**
 - A. **Resolution of Achievement: Harris County Board of Education.** Chairman Lange read the document regarding the recent accreditation of the Harris County schools. Dr. Craig Dowling, School Superintendent, and Steve Goodnoe, of the Board of Education, were present to accept the honor. The motion to approve the Resolution was made by Commissioner Wyatt, seconded by Commissioner Langston, and passed unanimously.
 - B. **Appeal of Denial of Tax Refund Request: Steven Davenport.** Steven Davenport, citizen, was not present for the requested appeal. Chairman Lange reviewed the action taken by the Commissioners during the March 1 meeting which included that Mr. Davenport's request for a refund of \$1,524.25 for 2010 was denied because he did not qualify for same by not taking ownership of the property until after January 1, 2010. The motion to deny the appeal was made by Chairman Lange, seconded by Commissioner Wyatt, and passed unanimously.
 - C. **Safety Discount Verification for IRMA (Property & Liability Insurance) and GSIWCF (Workers' Compensation Insurance).** Chairman Lange said that this is the usual annual document the County executes verifying that it meets the requirements for the insurance premium discounts. The motion to approve was made by Commissioner Woods, seconded by Commissioner Langston, and passed unanimously.
 - D. **Proclamation: Donate Life Month.** Chairman Lange read the document proclaiming the month of April as National Donate Life month in Harris County. The motion to approve this proclamation was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.
 - E. **Request to Reduce 24-Month Rezoning Re-application Period: John Rodgers.** Chairman Lange reminded those in attendance that this matter was not a zoning hearing, that under the County's Zoning Ordinance, a rezoning petition, regardless of the action taken by the Commissioners during the previous rezoning hearing for the same property, can be submitted 24 months following the decision date; that the 24-month period regarding the rezoning application of John Rodgers property on Coco Hollow Road will be July 2011; that Mr. Rodgers has requested a reduction in the 24-month re-application period; and that any comments from those in attendance are to be regarding the reduction of the 24-month period and not regarding the property.

Commissioner Langston said that a letter from Mr. Rodgers to Commissioner Wyatt had been provided in the meeting packets, and she wanted to address the letter and comment on same. Mrs. Langston then read the letter, which indicated that Mr. Rodgers had contacted her to discuss the reduction in the rezoning re-application period; that because he hadn't received a response from her he missed being able to bring the matter before the Board during the two previous meetings; and that he has discussed the issue with surrounding neighbors and feel they have come to an agreement. Mrs. Langston, in response, said the appropriate way to get on the agenda is not by going through a Commissioner, but by contacting the County Clerk; that Mr. Rodgers never shared the reason he wanted to meet with her other than "I have a few thoughts that I want to share"; that on February 22, Mr. Rodgers sent her an e-mail requesting a meeting; that on February 23, she replied that her calendar was busy and possibly in the next several weeks she could take a look at the issue; that on February 28, Mr. Rodgers received a citation regarding this matter (zoning violation), which means that the

County was in litigation with Mr. Rodgers; that it is her opinion that no Commissioner should meet with anyone with whom the County is in litigation; that on March 30, Mr. Rodgers appeared in Magistrate Court and that afternoon Danny Bridges, County Manager, talked with her about meeting with Mr. Rodgers, and because the litigation was complete, she agreed; that her meeting with Mr. Rodgers is set for next week; that she is the Commissioner of District 3 and was elected to represent the constituents of District 3 and will do so to the best of her ability; that this is not about her personal opinion, but about the rights of the citizens of this County to receive the best representation by right-minded individuals.

Chairman Lange asked John Rodgers if he had any comments, and Mr. Rodgers said he had no comments at this time.

Chairman Lange said that the citizens who signed up to speak will be heard from at this time.

Jim Furin, citizen who lives on Dogwood Lane West in Fortson, appeared before the Board and said that nothing has changed with the citizens in the area; that the issue had nothing to do with ballparks, church groups or children, but with doing what is right; that to reduce the re-application period should not be discussed. He asked if he could read an e-mail from a property owner who owns property adjacent Mr. Rodgers' property regarding the ballpark but not specifically the 24 months, and Chairman Lange refused the request saying that the Board would only hear comments regarding the 24-month re-application period. Mr. Furin said that he hopes nothing changes.

Mike Benson, citizen who lives on Caldwell Court in Fortson, appeared before the Board and said that he represents the Chase Plantation Homeowners Association and that speaking for the HOA, they are totally against any type of early rezoning of the Rodgers property.

Tommy Greenhaw, citizen who lives on Caldwell Court in Fortson, appeared before the Board and said there is no compelling reason to reduce the 24-month re-application period regarding the Rodgers property; and that the property owners do not want to see a reduction in the re-application period. He thanked the Board for the work it does for the citizens.

Lynn Sanders, citizen who lives on Dogwood Lane West in Fortson, appeared before the Board and said that she can't see a reason for the County to reduce the 24-month re-application period; that she can see why Mr. Rodgers would like it reduced since it is still baseball season; and that there doesn't appear to be a reason for the reduction. She thanked the Board for all the work it does for the citizens.

There being no further comments from citizens, Commissioner Langston asked Mr. Rodgers for his reason in making the request to reduce the 24-month re-application period. Mr. Rodgers responded by saying that he wants to go ahead and put an end to the on-going matters regarding the property.

Chairman Lange asked for a motion. The motion to approve the request to reduce the 24-month re-application period was made by Commissioner Wyatt and seconded by Commissioner Woods. Commissioner Woods said that an excessive amount of time and energy has been spent on this matter and unless we go ahead and reduce the re-application period, time and energy will continue. The motion passed by a vote of three in favor (Wyatt, Woods, Lange) and one opposed (Langston). Chairman Lange advised Mr. Rodgers that the request to reduce the 24-month period has been granted and suggested that he start the rezoning process again.

- F. **Financial Statement: February 2011.** The motion to approve the financial statement for February 2011 was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.

4. **COUNTY MANAGER**

- A. **DOT Agreement: Airport Layout Plan Update and Environmental Assessment for Airport Taxiway [Project #AP011-9016-07(145)].** Danny Bridges, County Manager, reminded the Board that in December 2010, it approved the Airport CIP plan and contract with WK Dickson, our Airport consultant, to move forward with the project through the DOT and FAA regarding the relocation of the taxiway. He said that this agreement is for the preparing of the Airport Layout Plan update and the required environmental assessment; that the total is \$117,333 of which the FAA

pays 95%, the State pays 2.5% and the County pays 2.5%. John Taylor, County Attorney, reviewed the document, said that a portion of Article XVI may or may not apply to the County, and recommended approval pending clarification of Article XVI.

Following discussion, the motion to approve the agreement, pending the clarification of Article XVI, was made by Commissioner Woods, seconded by Commissioner Langston, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #11-11.)

- B. **Investment Program Expansion.** Danny Bridges, County Manager, said that it is being requested that the County be permitted to invest its money, up to \$250,000, in order to be covered by FDIC, in any financial institution that will work with the County in order to maximize return for the County. Motion to approve the request and to authorize the signers as the County Manager, the County Finance Officer, and the County Clerk, was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.
- C. **Southern Health Partners Agreement & Amendment #1: Jail Inmate Medical Services.** Danny Bridges, County Manager, said that the Sheriff had entered into a contract regarding medical services for Jail inmates; that the Sheriff does not have the authority to obligate the County; and that the agreement, with the amendment to include the County in the agreement, needs to be approved. He also said that the agreement is less expensive than the previous medical services provider. The motion to approve the agreement and amendment was made by Commissioner Woods, seconded by Commissioner Wyatt, and passed unanimously. (Documents can be found in "Contracts & Agreements" file as C&A #11-12.)
- D. **Building and Earth Sciences Agreement: Community Center.** Danny Bridges, County Manager, said that Building and Earth Sciences is currently provided testing services for Batson-Cook, general contractor of the Community Center, but to prevent possible future conflicts in the event any ground sinking or shifting occurs, it is being recommended by the architect that Building and Earth Sciences contract with and report to the County rather than to Batson-Cook; that it is estimated that the cost to perform the testing services is \$39,526.25; and that the cost will come out of the Batson-Cook contract. He requested that he be authorized to execute the contract with Building and Earth Sciences as well as any change order regarding same with Batson-Cook. The motion to approve the contract and to authorize Danny Bridges, County Manger, to execute the documents so described was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #11-13.)
5. **COUNTY ATTORNEY.** John Taylor, County Attorney, had no business to discuss with the Board this evening.
6. **ADJOURNMENT.** There being no further business to discuss, the motion to adjourn was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk