

**COUNCIL MEETING, THURSDAY, JUNE 14, 2018, 6:00 P.M.**

**The Mayor and City Council met in regular session on Thursday, June 14, 2018 at 6:00 p.m. with the following members present: Mayor Pro Tem Allen Lee, Council Members Rivas, Robinson, Gonzales; City Manager Squyres and City Secretary Raines. Mayor Diaz out of the city, Council Member Garcia absent due to family illness and City Attorney at City Attorney Conference.**

**The meeting was opened with Prayer and the Pledge of Allegiance.**

**A motion was made by Council Member Robinson and seconded by Council Member Lee to approve the minutes as presented. Vote: 4 For 0 Against**

**Chief Ayala stated that they had been very busy and it looked like they might be losing an officer to Harris County.**

**Chief Mier advised that they had a fire on Lane Street on Monday but could not go into details on it at this time and that heavy rains were forecast for Saturday through Monday so be aware and stay safe.**

**Bernardo Perez, Public Works, advise they were staying busy taking care of the city, that it was extremely hot and the guys had to take breaks to cool off in case anyone reporting them sitting down on the job.**

**Ivan Rojas, Parks and Recreation Director, stated that the pool was open now, they were having good crowds and everyone seem to enjoy It and senior swim was scheduled from 4:00 p.m. to 5:00 p.m. and they could also use the pool any time it was open. He also advised that they had a Kids Program going on at the gym Monday through Friday for ages 7 – 12 at a cost of \$20.00 per child per week and the Food Bank provided lunch and one of the activities would be taking them to the new splash pad. Ivan advised that on June 22, 2018 the Food Bank would be giving out food at the Town Center.**

**Elizabeth Flores, Heritage Hall Director, advised that the seniors were enjoying the pool and there was one things that a couple of the seniors had ask her to bring to their attention; could we put benches in the changing room so they would be able to sit and change. She advised that the center continued to grow in attendance and they were trying to keep them busy.**

**MAYOR'S REPORT:**

**Mayor Pro Tem Lee advised that our Mayor was traveling and we were praying for her safe return, that he knew she was dealing with a lot of emotions, her older son was enrolling in college.**

**CITY MANAGER'S REPORT:**

**City Manager Squyres advised that the benches were being constructed as we speak and also baby changing tables in place. He stated that other than a couple of those types of things that we were addressing the pool had been a very big hit and we were very proud of that. He stated that he would expand on the Fire Chief's report a little bit, it was an apartment fire and they made an outstanding stop and they should be very proud of that. He reminded everyone that if they had not registered their animal for the Spay and Neuter Clinic at the gym on June 23<sup>rd</sup>, cats or dogs for free, go to the city website to upcoming events and make an appointment, they would spay or neuter your animal, give it vaccinations and put a chip in absolutely free and it was not just for Jacinto City residents.**

**No Unfinished business.**

**NEW BUSINESS:**

- 1. Recognition of Jacinto city Police Officers for Outstanding Service.**

**Mayor Pro Tem Lee advised Item 1 would be tabled because some of our Police Officers could not be here tonight, that they were doing a good job and we did want to recognize them when they could be present.**

**2. Council action on variance board's recommendation on request for variance at 1713 Holland Avenue.**

**City Manager Squyres stated that Mr. Hector Salinas had applied for a variance to open a small machine shop at 1713 Holland and explained there was two lots there and when he built on the site, the new address would be 1717 Holland Avenue. He advised that the problem was this was a light commercial district so even though it might be a wise decision to let them do this, it was up to council to decide but it does take a council decision because it was not one of the businesses listed in our zoning ordinance. Mr. Squyres advised that the zoning board met last Tuesday with three in attendance and all three recommended to give him the two things that he was asking for which first for the building to have a Special Use Permit, not to rezone the property but to have a Special Use Permit to utilize that land for a small machine shop, a light machine shop nonhazardous, that he thought he was set up for a 6 or 10 inch lathe, it was a fairly small operation and he also wants to put a structure there and adjust the setback line that borders the residential property to the rear from 20' to 10' and the board recommended both of those to city council and we need a decision from council what to do.**

**There was general discussion about where the property was located and City Manager Squyres advised it was previously a car wash and snow cone place, a very attractive little place with a wrought iron fence around it.**

**Council Member Gonzales ask Mr. Squyres if he could clarify what a medium as to something greater than that was zoned for.**

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**Mr. Squyres gave some examples of what light commercial would be, such as gas station, dry cleaners, jewelry store, etc., but heavy commercial in our city was basically Market Street and explained the reasons behind this, noise, dust, traffic, etc.. He stated that Mr. Salinas could provide more information than he could.**

**Mayor Pro Tem Lee stated that he was wondering if the residents that he was talking about commented on this.**

**City Manager Squyres stated there were two meetings for this and one was cancelled and because the notices had been mailed out he came to be sure anyone who showed up knew the meeting was cancelled and he had a young lady and he thought she was in the audience, came that evening and she told him that she had a child with autism and the child was very hearing sensitive to loud noises and he addressed that, that she wasn't able to make the variance meeting but he did expressed that concern the best he could to the variance board and they considered it still made the recommendation so she was in the audience as well as the applicant.**

**The lady spoke from the audience explaining how noise affected her child but her comments were not picked up by the sound system.**

**Council Member Robinson ask how noisy was the machine shop.**

**Mr. Salinas stated that he didn't have to wear any kind of ear plugs or protection.**

**Council Member Robinson stated that you also had to understand her situation too. Mr. Robinson ask him if he could tell him how many decibel the sound was. Mr. Salinas had a meter with him for them to listen to but it was from he worked now which had much larger and more machines. Mr. Salinas stated that in the shop he wanted to build he would be using 3" insulation as they could see on his plans and there was going to be no noise outside, that he would be making small parts and that was all he could say.**

**The Lady spoke again from the audience and her comments were not picked up by the sound system.**

**Mayor Pro Tem Lee ask Mr. Salinas if that was a decibel meter that he had and what did he come up with and Mr. Salinas explained that it was but the measurement was from the shop where he works now which was a much bigger shop with more machines. He ask him what he recorded and what was the reading and he stated like 33 or 35 he ask what it went up to outside and he stated like 60. Mr. Squyres stated that he was going to build a shop on the property there was general discussion about the noise level.**

**Mr. Jamail stated that he was not connected financially or any other way to Mr. Salinas or his business but he did meet with him because he was ask to meet with him to try to help explain the procedures he would have to go through in order to address this issue to them and to the Variance Board and so he spent a couple of hours with him and he, himself was very protective of residential section in our community and Lon would tell them that, he gets something from him every week where he is trying to protect the neighborhood so he didn't even want to assist this young man if he was going to be bringing something harmful into a residential area. He met with him and he showed him the small parts that he would be making on his small machines and when he saw what he was making, he had done that type of work himself, he knew that would not make much noise that would not bother this lady here or her children or anybody, then after looking at his plan he made sure that he insisted, even though he equipment would not be making much noise, to still put insulation throughout the building just to guarantee that and secondly what he ask him to do was get a device, if they granted him permission, so that he could monitor constantly the noise level, so he got the instrument so that he could monitor. Mr. Jamail stated that where he was working now was a big machine shop and that was only around 70. Mr. Jamail stated that we did have an ordinance to protect all citizens from a loud noise And he was made aware of that so if for some reason he business made a loud noise he city could shut him down but he was assuring**

**him that the neighbors around there would not ever know his machines were running. Mr. Jamail stated it was their decision but he did think it was a benefit to the city if we could do this without interrupting this lady, her children or any other citizen.**

**Council Member Robinson ask why he needed the setback.**

**Mr. Salinas stated in case he needed to open his snow cone business back to bring in more income.**

**Council Member Robinson ask if he owned the property and was advised that he did. There was discussion about him opening the snow cone business back up and Mr. Salinas advised that if he needed to for additional income.**

**Mayor Pro Tem Lee ask about the type of fencing behind his business and Mr. Salinas advised it was a wooden fence.**

**Council Member Rivas ask the lady how long had she been a resident of Jacinto city and she advised about a year and a half, that she moved here from Austin. Mr. Rivas stated that they would take the time that she had been here into consideration that this was a place she had not been for a while, that he himself had been here since 1989 and his wife had been here since 1970, not to say it was not an important factor to consider that she wanted to raise her children here for that length of time and they would hope the decision they might made would not make her want to leave.**

**The lady questioned what kind of materials he would be using and if they were hazardous.**

**Mr. Salinas explained the type of product he made and City Manager Squyres advised that if the permit was granted, it would be granted as a low hazard.**

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**Council Member Robinson ask about having a fire wall and ask a question about the setback, that if the city didn't allow the setback and he would only lose 10' in the front how much would that hurt his building and all.**

**There was discussion about the need to wear ear plugs.**

**Mayor Pro Tem Lee ask the lady if there were any particular sounds that bothered her child worse than others.**

**The lady's comments were not picked up by the sound system but that loud music or any loud noises bothered him and ask if they would be working at night and was advised by Mr. Salinas that they would not, they would work regular hours Monday through Friday.**

**There was discussion about the sound level and Mr. Jamail stated that the meter was registering at about 60 to 65 from the council table.**

**Council Member Gonzales stated that he understood what the lady was saying, that he had a good friend that had a daughter with autism that had the same issues where noise does affect them and loud music really messes them up but he just didn't want to stop progress in the city because of that but there were things that we could do to help minimize those noises and Mr. Salinas has shown that he was doing that but he did understand what she was saying.**

**Council Member Robinson stated that he had a question, say that they grant this and it becomes a situation, did he have a problem maybe trying to build something to try to break the sound between her house and his business if they grant the setback and give him the permit, that he was not trying to get him to spend more money but he would like to try to take care of the residents to and if he gets approved and when it is operational he would like to come in and listen just for himself.**

**City Manager Squyres stated that if he might make the recommendation, lets say if the City Council approves this we can stipulate that before he get an certificate of occupancy that we test for sound levels and if he exceeds the sound level approved we just wont give him certificate of occupancy and he can't possess the building and then he would have to mitigate the noise some way so that we can look out for her interest before we finalize the building we always want them to have it up and running, we want to see the building, we see the operations of the building, we see the way it is going to work and how people are going to interact in the building, that way we are not going to take any chances, so we would ask him to fire up his machines and do everything like he was running a business and take sound samples inside and outside and if it is not within the right levels we don't give him a certificate of occupancy until he fixes it and any council person will be welcome to accompany the inspectors of course.**

**There were comments from the public that were not picked up by the sound system.**

**There was general discussion about the setback line.**

**Council Member Rivas called attention to the plans where it said remove the old slab and was concerned about the noise this would create and Mr. Salinas stated the slab was already removed.**

**A motion was made by Council Member Robinson and seconded by Council Member Gonzales to approve the 10' setback line and to approve a Special Use Permit on the machine shop making it a medium industrial with a 60 decibel Level at the fence. Vote: 3 For 0 Against.**

**Mr. Salinas thanked the council and stated they could stop by anytime and he would do what he had to control the noise.**



**City Manager Squyres stated that just to specify we were giving a Special Use Permit allowing for a light machine shop without a change to the Zoning, just a Special Use Permit and ask if that was correct and was advised that it was.**

**Council Member Robinson ask Mr. Salinas what all the little parts he showed he would be making were use for and was advise they were used in oil fields.**

**City Manager Squyres explained to the lady what they had voted on and how it would be built and the conditions he would need to operate at in order to obtain a certificate of occupancy and this should have no impact on her son at all.**

- 3. Council to authorization to advertise for bids on Jacinto city water Mains and Fire Protection Phase 3 (C2018-0022) with bids due back July 12, 2018.**

**City Manager Squyres stated that for the council's information this was the project with the borders on Kirby west, Holland on the east, Palestine on the north and Flaxman on the south, it was the last of the South side CDBG projects funded by Harris County CDBG.**

**A motion was made by Council Member Gonzales and seconded by Council Member Rivas to authorize advertising for bids on Jacinto City Water Mains and fire Protection Phase 3 (C2 018-0022) due back on July 12, 2018. Vote: 3 For 0 Against.**

**PUBLIC COMMENTS:**

**Deputy Rodrigues with Harris County Pct. 2, Constable Diaz's office and he would just like to let everyone know that hurricane season was upon us and we did have something brewing in the gulf right now so their office was getting ready just in case and they did take the boat out on the lake yesterday to get everything in order and there was a ready Harris app on their smart phone and they could down load that**

**and go to the website, it was readyharris.org that gives up to date information, it was the same information that Judge Emmett would give on a news conference and information that you would need to prepare for you and your family so he would highly suggest to get that out to Jacinto city residents and on the Jacinto City website, he stated that he just wanted to make them aware of this and they were continuing to patrol out here and if they needed anything from them, they could contact their office.**

**Chief Mier thanked everyone for coming out and supporting Market by Night, they had a good crowd, a lot of vendors and encourage everyone to come out and join them on July 14<sup>th</sup>.**

**COUNCIL COMMENTS:**

**Council Member Rivas addressed the lady that had the issue with the machine shop and stated maybe he came across as a little harsh, he didn't want her to walk away thinking that one year here he didn't really care, it was not that, he knew that a lot of people move in and out and to say that we don't care about the ones that want to establish and the ones that move out, he had seen it, we had a 4<sup>th</sup> of July celebration and some people that had just move in wanted to know what was going on, they had never seen anything like that before and they had a blast. The next year comes and we go over there and they had already moved out and he didn't want her walking away thinking that guy just doesn't care, he really did care and advise her that his mother in law lived on her street.**

**The lady's comments were not picked up by the sound system.**

**Councilman Rivas advised that we would take this situation seriously and monitor it to be sure the steps needed would be taken. He stated he wanted to say to all the guys, great work out there. He thanked Ms. Mier for bringing the Market Out, that he goes to each of them and enjoys It.**

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**Ms. Mier stated that she had some great help with it from Javier, Candy and Christal Rodriguez.**

**Council Member Rivas addressed a couple of things to Ivan at Parks and Recreation that he needed him to look at, one was the door at the gym and the library had a seal on the door that was leaking. He thanked Officer Rodriguez for the information he provided, wished all the fathers a Happy Fathers Day and everyone a safe weekend and reminded everyone about the dog and cat clinic.**

**Council Member Robinson wished everyone a safe weekend and he hoped that they addressed the lady's concerns and welcome Mr. Salinas aboard, that he ask a lot of question and hoped that he didn't get upset about them. He advised Rebecca he was sorry that he missed the Market, that he had a previous engagement and encouraged everyone to be safe and careful.**

**Council Member Gonzales stated that we were supposed to get a little bit of rain and cautioned everyone to be careful out there.**

**Mayor Pro Tem Lee thanked everyone for coming out, to have a safe weekend and God Bless.**

**Respectfully submitted,**

A handwritten signature in cursive script that reads "Joyce Raines".

**Joyce Raines  
City Secretary**

**Council Member Robinson**