

**WORKSHOP ON WILKE PARK FACILITY, TUESDAY, FEBRUARY 19, 2019
6:00 P.M.**

The Mayor and City Council met for a workshop on Tuesday, February 19, 2019 at 6:00 p.m. with the following members present: Mayor Diaz, Council Members Rivas, Robinson, Lee, Garcia and Gonzales; City Manager Squyres and City Secretary Raines.

Council Member Rivas stated that during the last two week he had been discussing a number of items with the baseball league and opening day is approaching quickly so we were trying to get everything in line and ready to go. As they knew, every year this was a big event for Jacinto City, we throw a parade and it was important to us you go to a game and you want to enjoy yourself so you look at the concessions and what is being sold and what had been brought to them was that the fryers can't be used due to some issues of not being in compliance with safety and he would like to hear from Mr. Squyres, Chief Mier and Mr. Rojas and have them tell him what the issues are.

City Manager Squyres stated that he thought he was the first one to pick up on the issues, not knowing they were going to be dealing with that topic, that Kyle, Ivan and himself went down to meet with the little league board to see where we were and get a list from them to see what they needed for the season, in other words we had a limited amount of budget dollars and we wanted to see where they wanted to use that between them and girls softball and where we could apply that to give them what they wanted for the year and one of the first things we saw when we walked into the concession stand were somethings that disturbed him as a former fire chief, he didn't feel like the kitchen was safe, there was a hand held extinguisher for oils and things but at the same time, while the fryer units were not there it was clear where they were kept under the hood and the housekeeping was really poor, there were dried out paper goods all over the place that were left from the previous season, plastic combustibles where they shouldn't be, you could tell that it wasn't being run in a way that was safe and that was the primary concern, the hood was smaller than a conventional hood and it just wasn't made for that kind of application. He stated that he had been

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away from the fire service for over five years and he would yield to them, he had ask them to be here, without coaching at all, and report whatever they had found in the code. He stated that you had Jared Jackson who was our inspector and chief Mier also.

Mr. Squyres gave the floor to Chief Mier stated they had been ask to inspect the concession stand research the code covering this and the code didn't allow for a commercial kitchen to be use there. Chief Mier discussed the use of multiple extension cords and they found oil stored that was used last year and this was not covered by the code. Ms. Mier stated that they try to make sure all inspection are made as set out in the City Charter. (All of Ms. Mier's comments were not picked up by the sound system.

Mayor Diaz ask why was this was not addressed last year, was it just overlooked or did we just not follow up on it, she agreed that they needed the fryers because that was how they made their money.

There was discussion about how inspections were made.

Chief Mier's comments were not picked up by the sound system.

Mayor Diaz stated that she was just saying, these fryers had been there for over 30 years or maybe longer why has it not been addressed before.

Chief Mier advised that it was addressed last year and Mayor Diaz ask if so why was it not followed through last year.

Chief's Mier's comments were not picked up by the sound system.

In answer to Chief Mier's comments, Mayor Diaz said that was what we needed to do because they felt like they were being punished for something they had been doing for years.

Council Member Rivas stated that he would like to ask the City Manager this question, he said Chief Mier was saying that rotation doesn't happen but once and it was the same rotation they gave the businesses and he ask if we were liable to the businesses and Mr. Squyres advised that no we were not liable, the business was liable, our liability was to identify hazards and if they are gross hazards we site them if we don't get compliance. He stated that the issue here was over the years and this was a long time problem, was typically turn over in the little league board of directors and we have seen it with other issues in little league and we were not being critical of the little league, parents don't volunteer the way they should, several years ago he could remember this issue was raised and they said well if we can't we can't, there was no push back and everybody agreed and sure enough, we find that they had been doing it behind our backs, it is not that there are sinister people out there saying let's wait until the fire department goes around to break out the deep fryers it was that there was a change in the membership or a change on the board, which happens frequently. He stated that just this year they had lost a board member who was probably the most vocal board member that had the longest list of things that they wanted done and we worked pretty diligently getting those done and he didn't communicate with their own president the way that they should have and it caused some issues as far as what was done and how it was done so he stated that the issue for the fire department in going forward was that they could probably be doing a little better job on inspections but at the same time we are going to have to put in writing in the agreement as to what we can allow, if we are going to mitigate the situation or not and put that in the MOU and hold these folks accountable to that MOU. He stated that the problem was that no one wanted to shut down the little league, if it was a business we could say you are closed but nobody wants to do that to our little league.

Council Member Rivas stated that while those buildings were there, those concession stands were assets to the city so we needed to protect our assets so if we need to change the rules on that, that is what we need to move forward too and ask if they agreed.

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Council Member Gonzales ask what were we saying they needed to have in order to have those fryers there.

There was information provided by the fire department that they would need a commercial kitchen.

Mayor Diaz stated that no little leagues had commercial kitchens and she guessed that Jacinto City would have to build a new concession stand with a commercial Kitchen.

Council Member Robinson stated that if people came up there and donated money for the fries could they do that.

Mr. Jackson, with the fire department, stated no, that what the code said was it needed to be commercial.

City Manager squyres stated that he understood the goal tonight was to try to compromise to allow them to do it and if there was a compromise to be made the one thing about code was that council adopts that code and we ask those folks to enforce what the council adopts, that is their charge, that is what we hold them accountable for and if something happens, that is when Channel 2 is going to take their camera out, so if we want to make a change tonight the way to do and we could verbally do this tonight or give an intent sort of because we can't really make an official decision but codes could be amended and it takes the heat off of them but he was not saying take away the fire code but he was saying we might put limitation on what they can do, put a size of a fryer, a type of fryer, have them give something to the fire department showing they are UL approved and things that show they are safe.

Mayor Diaz stated that her thing was that if she was going to enforce the code, that needs to be enforced every year not just now, make it each year and follow up on it.

City Manager Squyres stated that if that was what council wanted them to do he could instruct the fire department to enforce the current code.

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Mayor Diaz stated that he was enforcing it now and it wasn't enforced Before.

Mr. Squyres stated or if council wanted to amend code slightly and put a provision for non-profits in a concession stand setting, the fire department could probably come up with something that would compromise a little bit. He stated that he showed Councilman Rivas the other day there were some products that would help suppress a fire in that setting somewhat, not anywhere near what the code required could do but it would suppress a major fire but just in conversation, we came up with a few suggestions and one was to absolutely prohibit anyone under the age of 18 to be in that concession stand period.

Mayor Diaz stated that she could see.

Mr. Squyres stated that if they were caught in there we shut the concession stand down for the year, that we were not going to play games with life safety. He stated let them come up with a gallon or liter size that was acceptable to them and they could do the research and tell you that a 6 liter or whatever liter would produce what size of fire and let them set a liter limit, we would incorporate that into the amendment of the Ordinance and that way it is UL approved and they have to give us something stating that is what they want to buy and it meet all the things we need and between the fire and electrical inspector he thinks we can do this.

Mayor Diaz ask if our electrical inspector was up to date in that stand and Mr. Squyres stated he was and he had actually agreed to do the work needed on the girls stand, he has a vested interest over there.

Council Member Lee ask the fire department if they do this inspection every year and was it the same time of year every year.

Chief Mier advised yes they did and Council Member Lee as if it was the same time ever year before baseball season started.

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Mayor Diaz ask if they had reports from every year they go and inspect them and did we give them a report of the inspection.

Chief Mier advised that they did not inspect it last year .

Chief Mier's comments were not picked up by the sound system.

Mayor Diaz stated that Lon said they did inspect it last year.

City Manager Squyres said the city inspected it, that actually Rick went and did the inspection himself last year.

Council Member Lee ask if there was a reason this year became the day of reckoning, did it get so bad that you finally said Chief Mier stated that when they are notified they are ready for an inspection, they go out.

Mayor Diaz ask the league if they called for an inspection and they advised they had not.

Chief Mier stated they don't call, they are alerted by the city.

Council Member Lee stated that he was asking her why this year was it done, did they just decide it was so bad they can't ignore it and was this when they took the fryers out.

Chief Mier stated that actually she didn't know this was happening.

Council Member Lee ask if they just went in there to take the fryers out and City Manager Squyres stated that he was to blame, he confessed, they were there for another purposes, they were there to sit down with them to determine what they needed and when we saw the condition of it we said that we didn't think we could find a way to let them do this and we had that discussion with Sandy and the rest of the board. Council Member Lee ask how long ago was that and Mr. Squyres said he could look back and see, it was probably two months ago and we went

back and forth looking for a way to do it and he ask the fire inspector to get involved and they went down there and inspected it.

Council Member Lee stated that it just happened all of a sudden just before ball season, that the first he heard of it was when these people came to the council meeting and complained and he didn't know anything about it.

Ms. Lusía Banda spoke from the audience and her comments were not picked up by the sound system.

Everyone was speaking at the same time and the system could not distinguish who was saying what.

Chief Mier stated that they went down and looked at the building but they would have to call when they were ready to open, that they needed to see the equipment in place to determine if it met code.

City Manager Squyres stated that was correct, if we were inspecting a restaurant we had to do it when they had everything in place and were ready to open. There was a new restaurant across from city hall and they wanted an inspection and were advised the fire department was the last to inspect and went over all the things they had to inspect. He Stated that we could come up with compromises but we needed to work together whatever we decide or whatever the council decides it needed to be in print and incorporated in the MOU and all be held accountable for that.

Mr. Jackson, with the fire department, stated that the way they did inspections was from the business license application and since they were not a business that could be part of the problem.

Mr. Squyres stated this was no different than how we hold Heritage Hall accountable, as the Health Department hold Heritage Hall accountable and comes in periodically for inspections.

Council Member Lee ask if there had been some kind of new health inspection rules that were new this year and was advised there had not been.

Council Member Garcia stated that she thought it was a building that we were supplying for their use and we needed to do our part to do whatever it takes to make them be able to function, even though it started years ago with donations, it is ours, it belong to the city and we needed to take care of it.

Council Member Gonzales stated that he knew how important it was to have those fryers, he had been on that board at one time and those fryers did bring in money to help with umpires and whatever they need during the year and if we can come up with a compromise like they mention no one less than 18 year old in there and having fire extinguishers and the capability of a certain amount of frying being done and we could make it work.

Council Member Rivas stated that he didn't see why not find those compromises and look at those State code and see what we have to adopt.

Council Member Lee stated that while we do that it would give them a goal to work for.

Council Member Rivas said he thought the inspections should be on a schedule like falling in when word is out there that baseball season is going to start, we are going to have opening day.

Mayor Diaz ask when was opening day and was advised that it was March 23, 2019.

Council Member Robinson stated there was discussion about the fryers and who handled the grease.

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Council Member Rivas stated that Harris County comes in once a year and you can get rid of things was grease accepted.

City Manager Squyres stated that grease was accepted but storing it during the year was the issue.

Council Member Rivas stated that maybe some of the business here in the city that have to get rid of their grease would be willing to help out the little league.

There was general discussion on how the grease had been gotten rid of in previous years.

City Manager Squyres stated that for our Storm Water Management Plan we were going to require that there was documentation as to how the grease is disposed of, that has to absolutely be done. We hold the businesses accountable as well it was a big big issue for us.

Council Member Garcia stated that perhaps we should start with that management plan then start with the code and Mr. Squyres advise that we had a storm management plan.

Mayor Diaz stated that we had talked about doing something with their window and was advised that had been taken care of.

Mayor Diaz stated maybe we could work out something this year and maybe, she was not going to say for sure, they could look at the budget and possibly get a new concession stand for next year.

Councilman Robinson ask if Lon and Chief Mier would work on the fire extinguishers.

City Manager Squyres stated we would ask the fire department to develop some perimeters that we were going to put into the agreement and it would contain the following, you would have a capacity for the fry unit with a submittal to show them a picture, that it had to be UL

certified and the city could furnish the suppression system, that they might well have to buy a different fryer to make it work, that they didn't really want the little fry daddy type of things that could be tipped over easy, stability was a big part of it that was why we were asking to do a submittal to the fire department and the inspectors would sign off on it and say yes it should work and whatever it was sitting on would have to be steady, the common sense kind of thing.

Chief Mier ask about how much they would be cooking and they would help them determine what size fryers they would be able to use.

There was discussion about no one under 18 being allowed in the concession stand and having to have background checks and signage for no smoking and Ivan ask if this would include e-cigarettes, was advised it did and that the city would provide the signage and it would also need to be posted in the park.

There was discussion on whether they would have to have food handlers permits and Mr. Squyres advised that we did not have inspectors that was done by county inspectors.

Ms. Luisa Banda stated they were trying to make them bring their fryers up to code and the building was not up to code.

Mayor Diaz stated that we would make sure the building was up to code.

Council Member Gonzales ask about replacing the water fountain and Ivan advised that he was looking for one but that it would be tap temperature.

After discussion on the amount of food the concession used the fryers for the fire department determined that they would need a 110 12 liter two basket fryer.

A lot of the discussion was from the audience and was not picked up by the sound system.

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Ms. Luisa Banda discussed the possibly of closer restrooms and other issues that were not picked up by the sound system.

Ms. Rivas ask a question that was not picked up by the sound system and Mr. Squyres stated he could answer that, he stated there was no math formula about history, the history was that the housekeeping was not good in there and there was a fire hazard in there right now, that is the history just because it hasn't happened doesn't mean the potential is not there. It might not be a high risk but if it happens the loss could be extreme and that is life safety, that we were not worried about the concession stand, it is the people in there.

Ms. Lusia Banda ask a question if this had something to do with her and was advised by City Manager Squyres that it had nothing to do with her that she wasn't even on the board when this started, it was not about her, that she was not even on the board when he told them they were probably not going to be able to do it. The point was it was not about her it was about life safety.

There was continued discussion by Ms. Banda about things not ever getting fixed.

Mayor Diaz stated that we were going to comprise and let them use the fryers and we would get the electrical fixed when they got their fryers so they would know what to put and she and the council would work on it for next year.

Council Member Lee stated we were all baseball people, he loved to go to the games and loved good French fries but if one person get hurt we were all going to feel terrible about it.

There was general discussion on how the concession stand would be handled between the audience and council.

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There was discussion about the little league rules the league had to follow and Mr. Squyres stated that we were talking about building rules which was a lease in the form of a MOU just dealing with the building.

There was discussion on criminal background checks and Mr. Squyres advise that all of those were done in agreement with the league. The league sets the rules on what is allow and what is not allowable and he thought, the way he understood it, the only thing the league was going to disqualify anyone for was crimes against children but that did not mean the city could not enhance that the city council has the power to do anything they want to and if they have issues of concern they can write it into the MOU.

There was discussion about what all need to be done by opening day on March 23rd.

There was discussion about having anyone working in the areas where the fryers were located having to be 18 or older and possible younger in the front area and Council Member Rivas stated he thought it would have to be 18 in the whole building.

Council Member Garcia ask what they thought the price of a new concession stand would be and if there was a possibly that it could be funded by the city and the league.

Mayor Diaz stated it was our responsibility to furnish the building, it was not going to be for the little league, that they barley make enough to pay the umpire.

Council Member Lee ask Chief Mier how she came up with the occupancy capacity.

Chief Mier explained but it was not picked up by the sound system.

There was discussion on how much the new fryer would cost.

Mayor Diaz and the council agreed that they would compromise on the use of fryers in the concession stand this year and talk about the possibility of a new concession stand at budget time.

There was a question from girls softball was the city was purchasing the appliances for the concession stand and Mayor Diaz stated no the city was not purchasing the appliances for them but if girls soft ball needed any repairs to their concession stand to be sure and let Ivan or Lon know.

Council Member Rivas stated that we definitely need to look at the budget on the parks, he commented on how the new restroom was built up and there was no water standing in it like it did in the old restrooms so if we were to go in there to rebuild these structures the thing to consider might be to bring them up.

There was discussion on what they thought a new concession stand would cost.

Mr. Squyres stated that he would estimate that it would cost at least \$100,000, it was going to be a very expensive project.

Mayor Diaz adjourned the meeting at 7:06 p.m.

Respectfully submitted,

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

**Joyce Raines
City Secretary**