

COUNCIL MEETING, THURSDAY, JULY 9, 2015, 6:00 P.M.

The Mayor and City Council met in regular session on Thursday, July 9, 2015 at 6:00 p.m. with the following members present: Mayor Diaz, Council Members Rivas, Robinson, Lee and Gonzales; City Manager Squyres, City Attorney DeFoyd and City Secretary Raines. Council Member Garcia arrived after roll call.

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

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

REPORTS OF OFFICERS, EMPLOYEES AND COMMITTEES:

Chief Ayala advised that they had been very busy, they have had numerous narcotics arrests, they had an attempted robbery of an individual near Capital Bank, on the 4th of July they had a very long and involved car chase with a number of agencies involved and the individual was in custody.

Chief Ayala advised everyone that in regard to Ordinance No. 2015-5 that was on the agenda, they did have the information and that currently we had approximately 27 registered sex offenders in our city, he explained how the new ordinance would work and that he felt it would be good for the city.

Chief Ayala announced that Officer Mayra Gonzalez would be leaving the department on the 21st of July.

Kyle Reed, Public Works Director, stated that they were playing catch up on concrete repair and asphalt patching which had gotten behind due to all the rain, they had finished the South Side and hoped to start on the North Side tomorrow or next week. He advised that the 4th of July went off great with everyone working together. He advised that they have not had a lot of complaints about mosquitoes and he didn't hear any the night of the 4th.

Mayor Diaz ask Kyle to thank his guys for being out the on the 4th of July, that they did an great job and she introduced Bernardo from Public Works.

Cindy Miller, Heritage Hall Director, stated that today they played bingo, had popcorn

and drinks; she thanked Council Member Robinson and wife Mary and Janet and Leroy Selph for all the items they had brought for bingo prizes. Cindy advised that long time resident and member of Heritage Hall Mary Castro had passed away.

Mayor Diaz asked that we keep Ms. Castro's family in our prayers, that she was a long time resident and very active at Heritage Hall and city events.

City Manager Squyres advised that our Fire Chief was not with us tonight, that she was diagnosed with appendicitis earlier today, went to the emergency room and hopefully she was in surgery and we were hoping for her to have a speedy recovery. He commended her and the rest of the team, that they did an outstanding job. He explained that we had a couple of issues with the vendor this year and may be exploring other avenues next year because of that. He stated that she ask him to mention that one of the members of team, actually from Galena Park, actually the Fire Marshall, was doing through some difficult time with his wife's health and ask that we keep him in our thoughts as well.

MAYOR'S REPORT:

Mayor Diaz thanked Ms. Rebecca and the fire department and the public works, they did an assume job, all she had to do was flip the switch, it was easy. Mayor Diaz ask if we still split the cost with Galena Park and was advised that we did. She stated that we were planning a movie night and she thought it was going to be next Saturday on the baseball fields and if anyone they knew, a church organization, etc., wanted to be out there and set up to sell something, they were more than welcome to come and she thought there were some activities going on at the gym also.

CITY MANAGER'S REPORT:

City Manager Squyres stated that Kyle had taken him on a drive and shown him that we had incurred some damage at the lift station located at Lane and Mercury, primarily because a large amount of water infiltrated causing some damage and went over what would need to be done which would be a huge job, probably around \$100,000 or more and today we met with GLO over the phone about another job at the same site and we were able to incorporate the latter part by just adding too it so we just got a free infrastructure job to the tune of \$120,000 or so given to us for absolutely no cost, he discussed the environmental study, how long it took to get it done but that the study had already been completed at this site so there would be no delay. He stated that tomorrow we had a meeting with FEMA and we were going to try to approach them about paying

for some damages actually related to the storm and for the overtime and straight time for our guys going out and opening storm drains and the officers being out there, any responses the fire department or EMS made from the first day of the heavy rains from that Presidential Declaration all the way through the 29th of May. He stated that we were going to do everything we could honestly and ethically to extract some money out of FEMA on that.

City Manager Squyres stated that the other thing he wanted to mention was and this was probably the biggest thing to the city as a potential boon to the city in decades, the Legislature passed HB 157 this year, that he didn't want to go into it in depth that he would be e-mailing information to each of them but in short what it did was allow cities to adjust their tax rate easily up to one extra percent which would make us 8.25%, it had to go to a vote of the public and explained this had to be done in the past and now you simply had a vote of the people and now that one percent could go straight into general fund and the ladies and gentlemen at this table make the decisions how to spend that money and explained how this would work, so we were going to be talking about this a lot and hopefully we might even see this on the ballot perhaps in May and of course that was up to the council to do that.

He stated that while he and Mr. Reed were out the other day, they literally stumbled onto a environmental violation, they pulled up behind a truck where two guys were dumping a big garbage can full of oily water into one of our storm sewers so law enforcement was called, they took care of that matter for us and they we going to be in our court. He stated that we had to pull the storm drain cover off and analysis the water and they were going to get a bill for that as well.

Mayor Diaz stated that she also forgot to mention that 4th of July we had the bike parade and pool party and she would like to thank Joyce and Kathy, who were out there doing snow cones and they were a hit and it was hot and they also had pizza and lemonade and they were all happy until we heard thunder and we had to get them out and the snow cones were busy but they were all happy.

UNFINISHED BUSINESS:

1. A motion was made by Council Member Robinson and seconded by Council Member Rivas to approve the second and final reading of Ordinance 2015-5 Amending Chapter 3 "Housing Code" Establishing new

Criteria for the Regulation of Sex Offenders Residency within the City. Vote: 5 For 0 Against

NEW BUSINESS:

1. A motion was made by Council Member Garcia and seconded by Council Member Lee to approve Resolution 2015-7R Approving the submission of an application for Texas 2015 Traffic Safety Program Grant Agreement for the Police Department of Jacinto City, Texas. Vote: 5 For 0 Against
2. City Manager Squyres stated that the reason we put Council to Confirm Declaration of Local State of Disaster on the agenda was because the State had an unusual situation for this disaster with all this rain in May and the President and Governors beat us to the punch frankly, that usually if we have a local disaster we make this declaration and it goes to the State and President and they adopt it and release Federal money but early on they had already done it so the question was do we still have to do it and the State couldn't give us and answer one way or the other and it had to go on the agenda by a certain date so we put it on the agenda, the Mayor has already signed it and now we are told that we probably don't even need it but just to be on the safe side, it would be nice to have Council go ahead and confirm it if they would.

A motion was made by Council Member Lee and seconded by Council Member Gonzales to confirm the Proclamation Declaration of Local State of Emergency. Vote: 5 For 0 Against

3. City Manager Squyres presented the Public Funds Investment Report, advising that the each had a copy of the report, stating that it covered the 2nd and 3rd quarters of the fiscal year they were in now and it was broken into three section, General Fund, Enterprise Fund and Interest & Sinking Fund. He stated that in simple terms the General Fund was the every day to day operation of the city, the Enterprise Fund we call the Water Department and the Interest and Sinking is our bond payment. He stated that back in the good old day those funds drew a huge amount of interest, 4 Or 5% interest rates but obviously we aren't drawing that today. He stated that the City, being that we are a public entity, we are restricted, we can't go out and buy any bond or mutual fund or any of those kind of things so the yield

On these investments are extremely limited. He stated that the good number down at the bottom of the page, shows the total investment value in all those funds combined today are well in excess of \$10,000,000 so we have made some money. (A copy of the Public Investment Report is attached for record.) He stated that we were very healthy financially and they would start to see this on a quarterly basis now.

He stated that one additional thing along these lines was that every five years we were required to look at who we do banking with and we were overdue for that and we had already advised the bank of that, it was nothing against them but we were going to comply with the law and sometime early next year we were going to put an RFP out for banking service, that if you only had one bank in your city you didn't have to do that but we have more than one bank so the law dictates that we go through that process.

4. Allan Jamail of the Keep Jacinto City Clean Committee to discuss condition in the city.

Council Member Rivas ask the Mayor that before he got started, how many minutes was Mr. Jamail going to be granted to speak and was advised that it would be 10 minutes.

Mr. Jamail stated that to begin with he would like to compliment Gilbert Hoffman with the North Channel Star, that he had gotten an award this last week from the Channelview ISD and it was good to have a news paper in the area and secondly he would like to compliment our United States Women's Soccer Team for winning the World Championship and he hoped this might get in the minutes. He stated that he wanted to say something before he got into his report, that every time he got up here he would have people talk to him after the meeting or they would call him and want him to run for office and he was making it clear that he was not running for office, had no intentions of running for office, didn't want to run for office and that was just the way it was. He stated that he came up here to give a report to the Mayor and Council, he was not giving a report to the citizens, the citizens were here and they were welcomed to hear it and they should hear it, that he had things to pass out to the Mayor and Council, that if he was running for office he would make enough copies to pass out to the citizens because the things he was doing was appreciated by the citizens as a whole. He stated that he had talked to too many of them that liked what he was doing. He addressed Council Members Rivas, Robinson and the rest of them, stating that they took a oath to do what he was doing so they ought to appreciate any citizen that gets up here reporting things and

not try to cut them off short when what they are bringing up is something of a health concern which they took an oath to do and so we ought to be working with the citizens, that back when he was the Mayor we never cut a citizen off if they were creating a positive thing for the city, they didn't say oh your time is up because they took an oath and they lived by that oath that if a citizen was offering something positive we wanted to hear it and we appreciated it. He advised the Mayor that in 2013 she set a goal and he read it in the minutes, where she said she Said the wanted to see the city cleaned up and five months after that he came to the council meeting and said that Keep Jacinto City Clean would join her in that effort so that was what he was doing, trying to help the city and in that period of time they had reported over 300 possible dog violations, numerous high grass, abandoned cars and houses. He stated that he wanted to make it clear because some citizens might think that he dispatched a police or the dog catcher by their house and he didn't do that. If he saw something or a member of his committee saw something and they turn it in to him, he merely forwards that to the city and lets the city make the call on it, it was not his call.

Mayor Diaz stated that she would confirm that, that it came to her and to Lon, it did not go to the police department.

Mr. Jamail stated that he didn't ever want to be in the position of telling a citizen they were doing something wrong because he didn't have the authority, he was just a citizen trying to help this city. He passed out flyers, stating that if anybody in the public wanted these and if they wanted to ask under the right way of getting it, a public information request, he didn't mind them having it but this report was to the Mayor and Council, if they wanted to give that to the citizens, that was their call.

He stated that No. 1 was a picture of a dumpster at 10830ish Palestine and that dumpster had been in this condition for months and he discussed all the trash and garbage in and around it.

He stated that he wanted to make sure that Lon didn't think he was throwing stones at him, that he had done an excellent job in the time that he has been here and he was just trying to be some eyes to help him. He stated that he would say that everything he had turned in Lon has aggressively taken care of, either him, Kyle or the Chief, that we had a very good city with good workers here.

Mr. Jamail stated that Picture No. 2 show a house that was destroyed many months

ago and advised Mr. Rivas that was right around the corner from him and it had been like that for many months and he didn't know how many time he had turned it in but it had been right there in his neighborhood. Mr. Jamail stated that the building inspector should have gone by there immediately after the fire and put caution tape around it. He discussed the dangers of the structure and how it should have been handled. Mr. Jamail advised Council Member Lee that he knew that he wouldn't want that next door to him, that he wasn't picking on him or Mr. Rivas nor would any of the other council members but these citizens have had it in their neighborhood for months.

Mr. Jamail stated that he needed to check his time and Mayor Diaz advised him to go ahead with what he was saying because she did want a lot of this stuff taken care of.

Mr. Jamail advised the Mayor and Council that if they would look at pictures No. 3, 4, 5 and 6, that he had tried to group those together and what all those pictures were stumps, tree trunks, etc. that are right on the edge of the road and had been there in this condition for over a year or more. He was not saying that we didn't have a good group of workers but he understood that we had our hands full, he understood that, things got deplorable in this city and the Mayor and Council has taken charge and said we were going to clean the city up so he was just reporting things.

Mr. Jamail called attention to photos No. 7 and commended the Chief and his department on that, this week they had turned in about 6 junk vehicles to the police department and he stated that he could bring the nine members up and each request 9 minutes but he hadn't done that, he didn't want to play that game but that would be 90 minutes that they could tie up this meeting but they were trying to help the city, not nitpick over a minute. He stated that they could see where the police department had red tagged three vehicles in the pictures and there was six altogether but the chief and his men had managed to one citizen to agree to move one of them out of the way and five of them had been red tagged.

He stated that in Picture No. 8 was the one the Mayor had complained about and Mayor Diaz advised that she saw them out there today mowing the grass. Mr. Jamail advised that this picture was taken only a few minutes ago and they only cut the front. Mayor Diaz advised that she saw them in the back with the mower.

He referred to the pictures of the dogs, stated that they had collars and tags and that was how the ordinance read and we were going to follow the ordinance, right Mr. Rivas. He stated that what we need to do was make sure that was carried out city wide, that no special favors were given. He stated that he would like for them to make sure that ordinance was enforced properly.

Mr. Jamail commented on the City Manager stopping someone from dumping recycled asphalt in a driveway and he advised the Mayor that he reported that last weekend as well as another incident and he got involved in that so he was doing his job as best as he could but he needed people helping him. Mr. Jamail discussed some of the dangers of loose asphalt that had been ground up.

Mayor Diaz advised Mr. Jamail that she appreciated what he does and she would get Lon and Kyle to look over these.

City Manager advised that we were already working on several of them.

Council Member Lee stated that he would like to say to Mr. Jamail that just because we want to enforce the 10 minute rule didn't mean that we didn't appreciate what he was doing but we came up with that 10 minute rule for some good reasons and we want to be fair to everybody, that he could bring 9 people up here and give them 10 minutes but as a Pastor he could tell him that he would lose a lot of folks if he went to long.

Mr. Jamail stated that the ones up there had to stay and that was all he cared about so if the rest of them wanted to leave that was ok that he would bring 9 people and have his 90 minutes if he felt that was what he had to do, this city was going to be cleaned up.

Mr. Jamail stated that at 6:20 p.m. he was being rush because they wanted to get out of here and they were elected.

Council Member Rivas stated that it was about being equal to the rest of our audience, that we have had people stand up there before, some didn't get that equal amount of time so we were just saying let's keep it equal for all, not just because he was up there but for everyone and that was what they were doing.

Mayor Diaz stated that she ran the council meeting and she always asks if they are allowed to speak a couple of minutes and as far as she can remember, none of them have ever said

no so if we have to go over five or ten minutes, it will happen.

Mr. Jamail referred to some of the meetings in the past that they were talking about where people had been attacked verbally and yes they did have to pass that and he understood that but understand that like the Mayor said, she has the flexibility and when there was something positive, even though it was something positive you had to consider if they were presenting something positive they needed to listen to them.

Council Member Rivas stated that he agreed.

Mayor Diaz stated that like she said, she runs the meeting and if she thinks it is something positive they would go over.

5. Council to consider budget amendment for the fire department to provide partial matching funds for purchase of a Lucas CPR Device in the amount of \$5,060.00
Budget Code 14-6958

City Manager Squyres advised that since this was placed on the agenda, one of the grants was no longer available and the matching funds required was now \$6,972.50.

Council Member Lee questioned if we could proceed with the amendment since the amount that was posted had changed.

City Manager Squyres advised that they could table the item and place it on the next agenda if they chose.

A motion was by Council Member Lee and seconded by Council Member Garcia to table Item No. 5 and put on the next agenda with the correct amount for the budget amendment. Vote: 5 For 0 Against

PUBLIC COMMENTS:

Robert Hernandez, 10245 Chadwick, had some questions about Ordinance 2015-5 concerning Residency requirements for sex offenders in Jacinto City which were answered by City Attorney DeFoyd.

Donna Dailey, 1701 Chazen, wanted to thank the council members and all the departments for what they did on the 4th, that she was so proud to be able to say hay come on over to Jacinto City and watch our fireworks and she really thought they were almost as good as Houston's for our budget and she was glad that we were fair for everybody, it didn't matter if you were a somebody or a notbody, our council was fair to the people who came up here to talk.

Dale Pollock, 10325 S. Oswego, stated that at one council meeting they stated that they wanted people to start cleaning up, tying up limbs, etc. and he had done this and it had been tagged and gone on his water bill.

Mayor Diaz ask him to talk with City Manager Squyres after the meeting and he would look into it.

Vanessa Espinoza, 10117 Wiggins, stated this was the very first council meeting that she had been too and she was very excited to be here. She stated that she was a member of First Baptist Church on Wiggins St. and they started taking their preteens to a church camp and she read a letter stating that they were taking 14 kids to Faith Explosion kids Camp in Lone Star, Texas and the total cost of the camp was \$2,380 and they would be having a fund raiser this Sunday, July 12th, starting at 12:00 noon to raise money to send their kids to camp and they would be serving hamburgers, watermelon, chips and some type of dessert and they would love to have their support.

Mayor Diaz ask that everyone go out and support this event and thanked Vanessa for all she does to help the kids.

Linda Jamail, representing State Representative Ana Hernandez's office, advised that she had a flyer in the back, their newsletter making everyone aware that the Representative would be having Legislative Town Hall Meetings in the month of August , one on August 19th at Galena Park and another in Channelview , that the locations and times were on the flyers.

COUNCIL COMMENTS:

Council Member Rivas stated that he wanted to ask a question, did anyone know how he got to be a councilman, he was voted in and did they know what got him those votes, hate got him those votes because the person that was sitting here before him there were people

that disliked him and that was why he got elected and if any of them wanted to say that was not true, it was true. Mr. Rivas stated that when he leaves here, he didn't want to be hated, he wanted to be liked, that he treated people equal, that was his deal. He stated there was a few people in here that liked him, they call him and ask him to come over, not to talk city business, just to talk and he likes that, he referred to a lady in the back that made cookies and pies and comes to his house and he likes that too. He referred to the bathroom and ask if they remembered what that was like and was it a health issue, we got the money together and corrected that health issue and a lot of people appreciated that. He stated that yes he drive by the site at 1501 Cheston and he has also donated goods to these folks, he felt sorry for them but he can't get out there and clean that up for them but he knew that everybody here had seen it, he was not the only one but to sum it all up, he loved Jacinto City and he would keep doing it until the election come around and after that it would be left to somebody else.

Council Member Robinson stated that he understood what Mr. Jamail was talking about, that he and Lon had driven the city numerous times and wrote up stuff and he did care for the city, he was born and raised here, he raised his kids here and they were still here and he did care about the town.

Council Member Lee stated that he wasn't born and raised here but he got here as quick as he could and he loved this town too. He stated the fireworks were fantastic and he appreciated all the hard work that was done over the holidays, that it was really hot out here and ask everyone to be careful.

Council Member Garcia advised everyone to be sure and sign up for activities coming up at the gym and continue to report violations, that we need eyes, we can't see everything and thanked them for everything they brought in and to continue to report mosquitoes. She thanked the departments for all they do and the fireworks were wonderful. She stated that yesterday she was with Lon and if anyone was in violation of anything, that Lon was not afraid to get an officer out there and ticket them and that was what happened yesterday, you don't do things illegally, we want you to do things the right way. The newsletter was in English and Spanish so there was no excuse for anyone.

Council Member Gonzales thanked Mr. Jamail for the pictures and all of that but he was wondering if we need to communicate what can be picked up on heavy trash pickup day; what is allowed to be thrown out before it gets this bad.

City Manager Squyres advised that there were several issues on that address, that he wouldn't go into detail, it was an arson case and there was no longer a water bill there, they should have never have put it on the street and in all likely hood the way it was looking right now, the homeowner was not going to take care of it, law enforcement has already stepped in, there were going to be citations and going to be a lien on the property in all likely hood and we would probably end up doing it as a city.

Donna Dailey, 1701 Chazen ask if there was anyway the city could help them, that it looked like they needed help, not to be so quick to issue tickets.

City Manager Squyers stated that the fact that it had gone this long was testament as to how long we have tried to work with them, the fire was probably 6 months ago and it had been on the street that long but we had worked and worked with them and for a long time we couldn't access the property because it still was under an investigative phase but we didn't quickly issue fines, we are as compassionate as we know how to be but at some point if you don't work with us it gets to that point.

Mayor Diaz, stated that like Mr. Rivas saying that he had taken food over there and there has been so much done already that they in turn have to cooperate.

City Manager Squyres stated there had to be a spirit of cooperation there and he couldn't go into details but we were doing everything we could.

Mr. Jamail stated that he agreed with Donna, but he understood that we have an obligation to the neighbors.

There was general discussion and Mr. Squyres advised that no one was living there the house was not livable.

Mayor Diaz stated that we were not here to kick them out when they were down, that we had already done all we could to help them, they were not willing to do what needed to be done so it was time for Jacinto City to take care of it, she would not want it next to her house nor would any of them.

A member of the audience had a question about dogs and was advised to speak with the City Manager after the meeting.

Council Member Rivas stated that one of the softball coaches had a health issue and there was some scheduling supposed to happen for the girls to have the use of the pool but because of his illness he was not going to be able to make it and they had ask him if there was a way they could postpone that date for a later date, that he was going to get with Ivan but he was not here tonight and he was just wondering if Lon could do that.

Mayor Diaz stated that happened to her also and she didn't see an issue with that.

A member of the audience stated that the coach had a heart attack and was in the hospital and was advised that rescheduling would not be a problem, they would work with them.

Mayor Diaz adjourned the meeting at 6:45 P.M..

Respectfully submitted,

A handwritten signature in cursive script that reads "Joyce Raines". The signature is written in black ink and is positioned above the typed name.

Joyce Raines
City Secretary