

## COUNCIL MEETING, THURSDAY, JANUARY 22, 2015, 6:00 P.M.

The Mayor and City Council met in regular session on Thursday, January 22, 2015 at 6:00 p.m. with the following members present: Mayor Diaz, Council Members Rivas, Robinson and Gonzales; City Manager Squyres, City Attorney DeFoyd and City Secretary Raines. Council Member Garcia arrived after roll call and Council Member Lee absent due to illness.

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

### DEPARTMENT HEAD REPORTS:

Chief Ayala advised that they had been busy but nothing serious. He cautioned everyone to watch out for children and drive carefully. He advised that they did have a car chase last night, they were apprehended and no one was hurt.

Fire Chief Rebecca Meir reported there was nothing new going on in that department and that their call volume was down from this same period last year.

Ivan Rojas, Parks and Recreation Director, advised that all was good, they were getting ready for baseball and softball season and they were starting registration tonight at the gym.

Council Member Rivas advised Ivan that the person that made the comment previously about the condition of the gym floor had advised him that the floor had been waxed and that it made a big difference and thanked Ivan for taking care of the problem.

Bernardo Perez, Public Works Department, advised that Mr. Reed was not here tonight due to illness but that they have had a lot of rain water backing up and they were working on that, he also advised that leafs were a lot of the problem .

Cindy Miller, Heritage Hall Director, went over their calendar for January and February for all their upcoming events. She advised that we had sent out flyers to seniors in the city to invite them to come out and join us at the Fabulous 50's event on February 10<sup>th</sup> and they it was open to everyone 60 years and over

Linda, Jacinto City Library, advised that they were staying busy and that they now had IRS form but no information books, that they would have to go on line and print that out.

**MAYOR'S REPORT:**

Mayor Diaz commented on the cold weather and rain that we were experiencing. She advised that Jacinto City Elementary 3<sup>rd</sup> grade class was studying government and her son had ask, since the was the Mayor, could she change the school hours.

**CITY MANAGER'S REPORT:**

City Manager Squyres advised everyone that they will notice construction on Holland Avenue, that the County will be doing sidewalks on Holland Avenue from Wiggins to the gully. He reported that more of the concrete panels in Turkey Run Gulley had fallen in West of the 900 block of Lane and that we would be meeting with Commissioner Morman's office regarding this and that he would show a power point presentation on this at the next meeting.

Mr. Squyres reported that Harris County Pct. 2 was no longer going to be using a big piece of equipment equipped with a slope mower and we were going to be able to bet this equipment.

**THE WAS NO UNFINISHED BUSINESS**

**NEW BUSINESS:**

1. First reading of Ordinance 2015-1 Providing for a fee to defray costs of collecting delinquent fines, fees, court costs and other debts pursuant to Article 103.0031 of The Texas Code of Criminal Procedures.

Mayor Diaz introduced Mr. Mike Darlow, Roy Zermeno and Doug Calame with the firm of Perdue, Brandon, Fielder, Collins & Mott L. L. P. to explain the process.

Mr. Darlow explained that Article 103.0031 of The Texas Code of Criminal Procedure imposed an additional fee of 30% on all fines, etc. that were more than 60 days past due, that these fees would be at no cost to the city, that they only get paid if the city collects.

Council Member Garcia questioned how they go about locating the people and Mr. Darlow explained how they work to collect.

A motion was made by Council Member Garcia and seconded by Council Member Robinson to approve the first reading of Ordinance 2015-1 Providing for a Fee to defray costs of collecting delinquent fines, fees, court costs and other debts pursuant to Article 103-0031 of the Texas Code of Criminal Procedures. Vote: 4 For 0 Against

#### PUBLIC COMMENTS:

Ms. Teresa Requez, 10345 Pillot, stated that she was here regarding the possibility of pursuing a no horn zone from the railroad traveling up and down Market Street all during the day and night and they don't seem to be able to get a sound nights sleep. She stated that she had lived there approximately 2 years and everyone told her she would get use to it but that was not happening and she believes our citizens deserve the same as any upscale neighborhood and that was why she was asking for the support of our elected officials.

City Manager Squyres advised that we actually explored this several years ago and we found it absolutely cost prohibited, especially the technology cost involved but we hadn't looked at it in approximately three years so he would be happy to explore it and report back to council if he had their permission to do that.

Council Member Rivas stated that he had looked into this because he lived very close to the track as well and it was researched detail, cost, safety and all kind of different factors in there to get that but if Lon would take a look at it and get back with us, that it was not an overnight thing.

Isaac Menendez, 10913 Munn, stated that he had a couple of questions about Ordinance 2015-1, that he would like council to bring up, ask or consider. He stated that the first was the law firm going to be able to reduce or negotiate fines down like some collection agencies do and the next question would be that on tickets prior to 2006, he knew that some of our records had been damaged, he wanted to know if the data that we collect or give them, did we have back up on that or do we have paper backup, was it all electronic or was it even necessary.

City Manager Squyres advised that they were actually going to be able to tap into our electronic records system, they do this on a regular bases, that we sign an MOU between the two that gives them permission , it was meeting all laws, all requirements of privacy and that sort of thing so that anything we still have we release to them electronically. Mr. Squyres advised that the Council had forgiven some past warrants because many years ago we had a system to handle that, it became outdated and they were unable to support that system anymore so we couldn't even pull up those records at that time and that was one of the reasons we wanted to do this, that we had talked about this for some time because we shifted from us paying 25% of the fee for the service to now the person who gets the ticket paying it. He stated that the reason we wanted to wait was that the city wasn't using anything like credit or debit card and we wanted somebody to be able say they wanted to put it on their credit card and we also wanted somebody that didn't live in the city and couldn't easily come to court to be able to pay on line, so if you were in this position you could either pay with a credit or debit card, pay on line or enter into a payment plan and if you can't do any of that we just frankly feel like we are never going to see that and that was why at times we had millions of dollars in those fees and we felt this was needed and we felt this was very fair to enter into this with of all those options for someone that receives a ticket to settle this, there were a lot of options to keep people from falling into this situation where they have to pay that additional fee.

Mr. Menendez ask how this was handled with Capias warrants, were Capias warrants considered collectable and the reason he ask was because you issue a warrant and the collection agency comes, he was assuming that a Capias Warrant was bondable and he was advised that they were not bondable, a fine had been assessed and a judgment entered.

Mr. Menendez stated that so in addition to that the 30% would be added to that so in addition to the Capias Warrant fee they would also pay the 30%. City Attorney DeFoyd stated that the difference was that it was no cost to the city. Mr. Menendez stated that he totally understood that but to the offender and 30% in these days was not a mere \$10.00, he was talking about \$60.00 to \$200.00 and he would just ask that the council consider that, our residents don't have the highest incomes and he didn't know if that was a standard fee or not, he would just ask that the council consider these charges.

Mr. Mike Darlow advised that the 30% fees was statutory, it was not negotiable, it was set by the State and every city or county that had a private collection system charges the 30%.

Mayor Diaz thanked Mr. Darlow for the information.

Robert Hernandez, 10245 Chadwick, stated that he just had a comment and observation, that more people seem to know more about the deflate gate with the Patriots and didn't even know their local council and who represents them and he thought that was sad, He gave the council and audience other things to think about and wish them a good night.

**COMMENTS FROM COUNCIL:**

Council Member Rivas stated that he wanted to let the Chief know what occurred at his house the other night, they went out to dinner, came home and there was a van in their driveway and they thought they had visitors. He stated that their kids were home so he open the door and ask who's van and the kids wanted to know what van, they didn't know so they called to get an officer over there and they didn't let them down, they were there within minutes, three minutes and three cars, that was service, hats off to those guys. He stated that it wound up being a neighbor, they said they didn't have any room in their driveway so they came over there and parked. He wish everyone a safe and dry evening.

Council Member Robinson thanked everyone for coming out and to stay safe and dry.

Council Member Garcia thanked everyone for being there and sharing their ideas and if there was anything that needed to be reported to call each of their phones and they would be happy to try to help them.

Council Member Gonzales thanked everyone for coming by and stated that he just wanted to make a quick comment on the Ordinance fees that Mr. Isaac hit on, stating that it was really not about getting organizations to make money off of this, it was really trying to get the public to follow the rules and be law abiding citizens.

Mayor Diaz adjourned the meeting at 6:35 p.m..

Respectfully submitted,

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

Joyce Raines  
City Secretary