

PUBLIC HEARING , THURSDAY, SEPTEMBER 12, 2013, 5:30 P.M.

The Mayor and City Council met for a Public Hearing on the proposed budget for FY 2013/2014 on September 12, 2013 at 5:30 p.m. with the following members present: Mayor Diaz, Council Members Robinson, Lee and Garcia; City Manager Maner and City Secretary Raines. Council Members Rivas, Gonzales and City Attorney DeFoyd arrived after roll call.

Mayor Diaz advised this would be our first public hearing on the proposed budget for FY 2013/2014 and that copies of the budget summary was on the table for members of the public.

City Manager Maner ask to be allowed to make a statement before we got into the budget in detail and the floor was opened to the public for comments and questions. He stated that this was the first of two public hearing on the proposed budget for this coming year and one of his responsibilities as city manager, as set out in our charter, is to prepare the budget annually and present it to the Mayor and City Council and be responsible for its administration after it is adoption. He stated that there were other charter provisions that relate directly to the role of the city manager in the budget process provides that the city manager sets up job classifications within each department with salaries and wages commensurate with the employee's ability and qualifications, subject to the concurrence of the City Council and shall also keep the City Council advised of the financial condition and future needs of the city and make such recommendations as may be deemed advisable.

He stated that he prepared a proposed budget and presented it to the City Council at the first of three budget workshops which occurred on August 12<sup>th</sup>, that this was the thirteenth budget , in his position as city manager, that he has prepared and submitted to the City Council and for the City Council's role in the budget process, the city charter specifically provides that the City Council may revise, alter, increase or decrease the items in the budget. He stated that this year, for the first time, at the third and last budget workshop of the city council on this budget the City Council elected to revised the budget that he had presented. He stated the proposed budget that was the subject before this board tonight and before the public tonight was revised to reflect the changes made by the City Council.

He advised that the only significant revision to the initial proposal that was made by the City Council was the reduction of the proposed salary of the Parks and Recreation Director which was originally proposed at \$49,000 to the amount of \$46,350. He stated that after much reflection, he believed that he had a moral and ethical obligation, just to state for the record, that it was still his opinion that \$49,000 as a base salary for this position was minimum and more than reasonable considering its scope, duties and responsibilities,

that the Parks and Recreation Director was required to work more hours than any other department head, which was just one factor in establishing a salary. He stated that if the previous director had still been with the city and not left our employ, their salary, with the 3% raise the other employees were getting under this budget would be \$55,760 and that was \$6,760 more than was proposed and almost \$9,000 more than was in this budget and having said that, he wanted to make it clear that he would certainly fulfill his duties as City Manager and administer any budget that the City Council would adopt to the best of his ability. He stated that as to the budget that was here tonight, he believed it was a workable budget that will allow the city to maintain the present level of service for our citizens. However, it was a tight budget and didn't have any substantial capital expenditures, that any substantial capital outlay items would have to be passed by the City Council by amending the budget and transferring funds from the city's accumulated surplus. He stated this budget provided a 3% raise for all city employees. He advised that the two largest increases in the overall budget reflect increases the city has been notified that it is going to incur in both health insurance and workers compensation. He advised that the projected income was based upon the assumption that the City Council sets the tax rate at the effective tax rate which was the rate that would produce the same amount of tax on the same property as the current year.

He advised that we received late yesterday evening, the effective tax rate from the Harris County Tax Office and he was going to establish that and he didn't remember all the little digits going out to the side but it was roughly .079 per hundred dollar valuation and the current rate was .76 something so it was a very slight increase but again, let him repeat, this was the rate that was calculated to produce the same amount of dollars to the city on the same property and having said that, he just wanted the statement in the record and he was available as he knew the Mayor and all the Council were to listen too or hear comments from the public.

Mayor Diaz ask for any questions or comments.

Donna Dailey, 1701 Chazen Drive, stated that she was hear today to represent Nancy Gosney, 1726 Belin, that she had called her and ask her to read this and having read it over, she was totally in agreement with it so she agreed to do it.

"Sitting in the workshop meetings, hearing the council setting the salary for parks and recreation clearly has her attention. She made copies of our charter of the officers and elections, the last time she check, the council was a liaison representing the people of Jacinto City and the City Administration. Article 5, Section 1 through 7 clearly defines the duty of a Council Member and human resources was not a part of their duties. According to the Charter, four Council Members were in direct violation of the City

Charter Article 5, Section 2. Mr. DeFoyd was not present during the workshop when the council voiced their opinion on Parks and Recreation Director's salary. Four of the Council Members stated their opinion on the director's experience and education and thought that his salary should be like a stepping stone. The City Manager had established an agreement with the city employee and was proceeding with caution to their agreement."

Ms. Dailey stated this was Donna speaking, that if she went in and was going to be hired and was told something and then it changed mid stream, she would wonder about that company. She stated that she thinks that it brings a bad spot on our city when somebody is hired for a position and then it changes in mid stream, she thinks that if we offer somebody something and said this is how we are going to do it, we should go through with it, don't change in the middle of the stream because that was not the way good business goes. " She stated that Gregg Robinson wanted to issue Cindy a \$200 car allowance every month and during the meeting, the question was ask about her miles and meetings she attends and Cindy, at that time, did not respond to the question and what she doesn't understand is why hasn't she been reimbursed for her mileage in the past. She said that Gregg also used the term, all department heads receive a vehicle to use, referring to Cindy as a department head, that being involved with our local government for the past several years, attending council boards, charter review meetings and workshops, in her knowledge of the Jacinto City Charter, Heritage Hall was not listed as a department, that we the voters amended the Jacinto City Charter on May 18, 2012 and the following information was below, Article 5, Section 2 clearly defines Administer Departments; (1) Parks and Recreation, (2) General Administration, (3) Police, (4) Fire, (5) Public Works, that Cindy was a program director of Heritage Hall just as Samatha was a program director of preschool, that if any of the city employees use their vehicles, they should receive full compensation for their miles and it deeply bothered her how you look into an employee's salary and car allowance, however, Council Members car allowance are justified for our 2.2 square miles. She addressed Carmela stating that two years ago she wanted the City Council to donate their car allowance back to the youth. You thought that \$300 was justified for the Council and Mayor and she would like to know if Gregg Robinson and Allen Lee completed their open government training certificate and she wanted to thank Donna Dailey for reading her letter tonight."

Mayor Diaz ask Council if they would like to respond.

Council Member Lee stated that he believed, that in our Charter under the section pertaining to our City Council, He thought it was Section 8 that said that we would be involved in the salaries of the employees, so they were just doing their job.

Mayor Diaz stated that she had something to say and she might be out of place and if so please let her know. She stated that in her position, if she went to a job and go hired and said I was going to make this amount of money and later on, in a couple of weeks, it got taken away, now honestly people, anybody up here could not tell me they wouldn't be upset. If you were told something you were going to get when you were hired and then a couple of months or whatever it got taken away due to circumstance. She stated that now she herself would be upset and she was sure anybody out there in the audience would be upset and she was sure that anybody up her on the council as well would be upset, that maybe she was wrong for speaking up but she just thought she had to say that so if she was out of place and somebody got upset at her she was sorry.

City Manager Maner stated that he would like to make one quick short statement, that he just wanted all the Council to know and the public to know, and of course he did not like to talk about individuals, but he would say this, the Director of Public works had not come to him nor in his presence expressed (he changed that to Director of Parks and Recreation) anywhere any bad feelings about this and he wanted everybody to understand that, that his statement was his feelings.

Mayor Diaz stated that her statement was her feelings and like Jack said, he had not come to any of them saying what was going on, why were they doing this, not one time had he called her, that she didn't know if he had responded to anyone else up here at the council but he had not to her.

Council Member Garcia stated that she just wanted to say that on that letter that Jack sent to everybody that was interested in the position, that it did give a range, it didn't specify a certain percentage increase so whether it was the \$49,000 or what they were proposing, it was still within the range that was promised at the time the letter was sent out and like she said, there was no set salary promised, no set raise promised, there were no specifics, it just said between this number and this number.

Donna Dailey stated that she just had one more thing to add, and advised Councilman Lee that Section 8 was on ballots, it didn't have anything to do with duties. Mr. Lee stated that he might be mistaken about the section, but it was under City Council and he did complete his training.

Donna Dailey stated that she did have one more thing, she thought she still had part of her three minutes left.

Mayor Diaz advised her this was a public hearing, she could have as many times as she wanted.

She stated that the City Council Members shall, depending on how they were positioned, shall serve as liaison officer, on behalf of the city council, to each of the administrative departments created herein above, provided however that such councilman shall not interfere with the city manager's supervision, authority and control of the above administration departments and the councilman should always deal with his or her administrative department only through the city manager. She stated that now having read the five things that it says is the duty it just starts talking about who is the liaison officer Parks and Recreation, General Administration, Police, Water and Sewage, Streets and Health and Sanitation, notwithstanding anything to the contrary herein, each Councilman shall have the same powers, duties and responsibilities for every administration department in the city regardless whether he or she is the official liaison officer designated for the administration department. She stated that then it went on to talk about the qualifications and nowhere in there did it say that a council person can tell the City Manager how to manage our city, that is why we have a city manager.

Council Member Garcia stated that she just wanted to add to what Donna said, that yes, each one of them was the liaison of a certain department but let say she was the Water & Sewer Representative here, if there was a police question and she had been in the police department at midnight and she couldn't say oh that's not my job I can't help you, she would help that person, she was not the kind of person to just shoo them away and she would admit that yes, she did get involved with every department if there come a need in any way, she works closely with every department manager if she needs too, she attends safety meeting that Kyle has, she had been in Chief Ayala's office, that part of their job was to get along with each of the directors, not be afraid to go up and ask a question.

Council Member Rivas stated that he had been there.

Donna Dailey stated that she believe she stated they could cross work, that the only thing she was saying was she thinks it is a direct violation of our City Charter for the Councilmen to tell Mr. Maner, our City Manager how to manage our employees, to get into how much they are paid and how after he make a deal with somebody to come on with the city to change it, she just thinks it really looks bad on the city and since Mr. DeFoyd is here right now, she stated this letter was actually from Nancy Gosney and what she wanted to know was the Council Member that discussed the Parks and Recreation Director's salary and to lower it after the City Manager had made a deal with this person to be hired, was it a violation of our charter.

City Attorney DeFoyd advised that as long as the City Council went through the City Manager, they could talk to the City Manager about anything and that included salaries and that included raising or lowering the salaries, that the Council had absolute control

over the City Manager and he meant absolute, they could hire him, they could fire him and he serves at their pleasure so as long as they go through the City Manager, they are on perfectly legal grounds because that is who they are suppose to discuss it with.

Ms. Dailey stated so it come down that it is up to the Council people how much an employee of the city makes.

City Attorney DeFoyd stated because they approve the budget, they have to approve the budget and the budget includes salaries and this council can raise them or lower them, it can set up anything it wants too. He stated that what the Council can't do is micro manage, day to day manager of the employees, that is specifically prohibited and they have to go through the City Manager if they want something done rather than go to the employee, they are not supposed to interfere with the employees and the City Managers operations on a day to day basis, that is what it means, but on broad issues whether it is like setting a budget or setting salaries or eliminating positions, they have all the right to do that.

Ms. Dailey ask Mr. DeFoyd if he were to come to the city and they were going to hire him as their City Attorney and they were going to give him a \$100,000, now we did say that we were going to see how you do and give you a little time and then in between, there is something going on and we just want to check you out but you were told that as soon as we get done with this, if you pass all these qualifications, you will get \$100,000 was it right to come in here and change it, that was all she was asking, she thinks it looks bad on our city and she doesn't care who it was, if we tell somebody we are going to do something we are only as good as our word and she just feels like we are not doing well and she also wanted to tell them that he never came to her, had never mentioned anything to her, this was just what she had observed and apparently some other citizens have observed. They wanted their city to always look above board, we don't want to do any false statements to anybody and we don't want to look like well we got you in there but we don't think you are good enough so we are going to drop it down. She stated that was not what our city was about and she didn't think it had been.

Council Member Garcia stated that she just wanted to add to the comments, that what they were discussing, the purpose of the workshop was just to come in and talk about it, and it was proposed as it said in the workshop, it was proposed, there was nothing set in writing until it is discussed and that was the time to do it, that was the time for everybody to bring in their ideas, bring in their homework and talk about it. She stated that as far as outside deals she didn't know about that and what they were discussing was the salary for that position, it didn't matter who was in it, it was the position and the majority of the council thought it was fair that everyone received the same increase, 3% across the board,

it didn't matter who sat in that seat, it was not the person who was being discussed, it was the position.

Council Member Lee stated that he didn't think it looked bad on the city for the City Council to do its job at all and to let him clarify something that had been said a couple of times already, that there were some false statements made but there were not.

Council Member Garcia stated that she didn't think City Attorney DeFoyd had seen the letter Jack sent out about the position.

City Attorney DeFoyd stated that he didn't do day to day, please don't send him day to day that Joyce kept him busy with all the stuff she sent him.

Robert Hernandez, 10245 Chadwick, stated that he was not sure how to approach this, that he didn't know if they were aware that at the softball field, between the softball field and the tennis courts, it was pretty bad about holding water after a rain and it was very poor drainage and he was wondering if they could work that into the budget this year and what would it take to take care of that problem, that it had been there since about 2005 or 2006 that he had noticed and he had spoke to previous people and he hated to throw them under the bus, they were not here to defend themselves but he had brought this up to previous council people and department heads and he believed that strong infrastructure was good for Jacinto city, that field was used for more than just softball, they have the Easter Egg Hunt on there, etc., and he just thinks it is not a good situation, it would rain and the water would stay there for weeks and there were odors and mosquitoes and if this was the first time some of them had become aware of it, so be it, and he had been told other reasons why it was flooding.

City Manager Maner stated that he would like to respond, the Council had discussed that and he thinks the consensus (no vote was taken) was to address that as part of the restroom rehabilitation when that restroom there was built or moved or whatever ended up happening with it was to address it at the same time.

Council Member Rivas stated that we were working on it.

Ray Morlock, 11509 Celtis, stated that he wasn't ask to talk on Ivan's behalf either. He stated that he sat in all of these budget meetings and like Jack, he deals with a multi million dollar budget each year and he thought all of them needed to go to a class, that several times he told them that you round up just for the simple fact that if you have a little money left over at the end of the year you look like a savior and if you have to beg for money half way through, you look like the biggest heel there is, with that being said, he

does the hiring and firing, he just hired a plant specialist and he hired him at the going rate of rate of \$83,00, he couldn't find anybody for any less. He stated that he had heard Council people say education, education, education, if he got somebody that worked in a plant for two years, he would hire them over an engineer coming out of school in a heart beat. He stated he was proven, he had worked here for several years, he was offered a set amount and he thinks it is crazy. He stated that he did a little homework on theirs and salary he didn't have a problem with, they got \$225.00 a month for expenses for cars and said just round that at 225 divided by \$3.50 for a gallon of gas, that was 64 gallons. He stated that he had a big truck and it got 15 miles per gallon, that was 964 miles or roughly 32 miles a day, he was sure that he was probably driving close to that, were they.

Council Member Garcia stated that she just want to add to that, that she wished that they could pay each of their directors fairly across the board, not just one specific area, give them a little bit more but this is the City of Jacinto City, we can't compare with any other businesses.

Dale Pollock, 10325 S. Oswego, ask the Council and director head if there was any money in the budget for these streets because if you go down most of these streets they were torn up and every time they come out and redo the roads, all they do is just tear the asphalt off and just put a layer on and what he was saying was if there is enough money in the budget when they come out to redo the streets, they need to go all the way down to the foundation, redo it and our streets would look better.

Mayor Diaz advised him that if he had any problem streets to get with Mr. Reed over there and he would help him.

Mr. Bernard Valdez, 1530 Cheston, stated that he got here late today but he would like to see if there was any discussion on the parks, that we need a lot of improvement on these parks and he would certainly appreciate it if they could put something in the budget to at least get these restroom out of the way and a good concession stand, that he thinks our kids deserve it and thinks our community deserves it, he would like to know how we could work it out and anything he could do out of his hands he would do it, he had done a lot before and he would continue to do it.

Mayor Diaz stated that yes he had helped us a lot at the park with the cement on the side walk and we really appreciate it and she knew that it was on the budget right now to add new restrooms.

Mayor Diaz adjourned the Public Hearing at 6:05 p.m..

COUNCIL MEETING, THURSDAY, SEPTEMBER 12, 2013, 6:05 P.M.

The Mayor and City Council met in regular session on Thursday, September 12, 2013 at 6:05 p.m. with the following members present: Mayor Diaz, Council Members Rivas, Robinson, Lee, Garcia and Gonzales; City Manager Maner, City Attorney DeFoyd and City Secretary Raines.

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

A motion was made by Council Member Garcia and seconded by Council Member Robinson to approve the minutes as presented. Vote: 5 For 0 Against

Mayor Diaz called upon the Department Heads for their reports.

Chief Ayala passed on his report.

Chief Squyres passed on his report.

Public Works Director, Kyle Reed, Reported that we were having a tremendous number of water leaks, 17 this past week and asked that they please report any thing they see 24/7 so that they can get them repaired. He also advised that the mosquito truck would be out spraying tonight.

Parks and Recreation Director, Ivan Rojas, advised that the Little League would be having a Fall League and would be playing on Tuesday, Wednesday and Friday and encourage everyone to come out and support them.

Heritage Hall Director, Cindy Miller, announced that they would be starting their breakfast back on Wednesday, September 25<sup>th</sup> and that Walgreen's would be giving flu shots at the center on Friday, September 27<sup>th</sup>.

**MAYOR'S REPORT:**

Mayor Diaz announced that Nation Night Out was on Tuesday, October 1<sup>st</sup>, went over the locations of the numerous parties and encouraged everyone to go out and meet their neighbors. She also announced that the Pumpkin Fest and Trade Days was also coming up in October and that anyone wishing to have a 10 x10 spot on the baseball field, that they could sell whatever they liked, that the Pumpkin Fest would start around 5:00 p.m. but they could set up for Trade Days at 12:00 noon and the cost per booth would be \$10.00 or 10 canned good, that the money would go to Santa on the Fire Truck and the canned goods would go to the Food Baskets and this would be a lot of fun and help a good cause.

She advised that they would need to bring their own table and chairs. Mayor Diaz ask that they pass the work along and go out and support fall ball.

**CITY MANAGER’S REPORT:**

City Manager Maner advised that all was going well.

**UNFINISHED BUSINESS:**

1. Receive and award bids on TGLO Round 2.2 Pipe Bursting Project.

T Construction	\$565,955.00
Horseshoe Construction	\$512,592.50
Reliance Construction	\$584,522.80

City Manager Maner recommended that they table the bids for tabulation by the Public Works Director, himself and the City Attorney and bring back a recommendation at the next council meeting.

A motion was made by Council Member Gonzales and seconded by Council Member Robinson to table the bids for tabulation by the Public Works Director, the City Manager and City Attorney and award at the next council meeting. Vote: 5 For 0 Against

2. Council action on bid tabulation for award for construction of Water System Improvement 2012 (CDBG)

Kyle Reed, Public Works advised that bids were received on this project at the last council meeting, and Absolute Plumbing, Inc was the lowest bidder and in review by the engineers, there were actually some numbers over and there was around \$60,000 plus difference and it lowered the lowest bidder’s amount.

Chief Squyres advised that it was roughly about \$43,000 above the award letter so we would have to accommodate that.

Kyle advised that the engineers had checked out their qualifications and they were good and his recommendation was that the Council go ahead and award it, that it was worth it.

City Manager Maner stated that it was the recommendation of the engineers and Mr. Reed and he certainly complied with that, to award the bid to the low bidder, Absolute Plumbing, Inc. at \$641,071.85 which for the public’s information was about a \$150,000 below the next bid.

Mr. Maner stated they were a reputable company apparently, they had investigated their financial statement and recommended them.

A motion was made by Council Member Lee and seconded by Council Member Garcia to award the bid for Construction of Water System Improvement 2012 to Absolute Plumbing, Inc. at \$641,071.85. Vote: 5 For 0 Against

**NEW BUSINESS:**

1. Council to change October 10, 2013 Council Meeting to Monday, October 7, 2013, due to TML Conference.

A motion was made by Council Member Garcia and seconded by Council Member Robinson to change the October 10, 2013 Council Meeting to Monday, October 7, 2013 due to TML Conference. Vote: 5 For 0 Against

2. Council action on Dangerous Building Board's recommendation at 1621 Casperson.

City Manager Maner stated that he was not at this meeting, Chief Squyres was but he would just quickly say that the Dangerous Building Board met on August 20<sup>th</sup> in relation to this and after hearing all the input, their unanimous decision was to recommend to the City Council that this dangerous structure be torn down.

There was general discussion about the structure and how the process worked.

A motion was made by Council Member Garcia and seconded by Council Member Rivas to approve the recommendation of the Dangerous Building Board to remove the structure at 1621 Casperson. Vote: 5 For 0 Against

3. First Reading of Ordinance 2013-9 Adopting a Budget for FY 2013/2014.

City Attorney DeFoyd read Ordinance 2013-9, stating that it was an appropriation Ordinance adopting a budget for the fiscal year beginning October 1, 2013 and ending September 30, 2014.

City Attorney DeFoyd advised that the sum of \$5,489,840 was appropriated to the General Fund for payment of operating expenses and necessary capital outlay for the City Government.

That the sum of \$488,690 was appropriated to the Interest and Sinking Fund for general debt service for the purpose of paying the interest due on the 2013 General Obligation Refunding Bonds and principal for redeeming such bonds as they mature.

That the sum of \$2,843,180 was appropriated to the Water and Sewer Utility Fund for operating expenses and necessary capital outlay for the Water and Sewer Department.

A motion was made by Council Member Gonzales and seconded by Council Member Robinson to approve Ordinance 2013-9 Adopting a Budget for FY 2013-2014 on the first reading. Vote: 5 For 0 Against

4. A Proclamation designating Tuesday, October 1<sup>st</sup> at Nation Night Out in Jacinto City was read by City Attorney DeFoyd.

#### COMMENTS FROM MEMBERS OF THE PUBLIC:

Robert Hernandez, 10245 Chadwick thanked the Mayor and Council for flying the flags at half mast in memory of 911.

Donna Dailey, 1701 Chazen, advised that she was here for the little league, that in order for the fall league to have umpires, that each team had to raise \$250.00 and they would appreciate any donations and if she collected more than \$250.00 she would just give it to the league for other umpires.

#### COMMENTS FROM THE COUNCIL:

Council Member Rivas stated that he wanted to say to all the directors that he appreciated each and everyone of them individually, looking at them for what they do and how they do it and he appreciated all of them.

Council Member Rivas ask Mr. Roy Moreno what was going on behind his house, if he didn't mind him asking.

Mr. Moreno stated that they had put all that dirt back there and was trying to widen their parking area.

Council Member Rivas stated that wasn't the agreement that was agreed on at the variance hearing so he would keep an eye on it and if issues came up he would voice them out. He stated that mosquitoes were a problem and they were spraying, he didn't know if it was doing any thing.

Council Member Rivas stated that at the back of Smith Park they were working on putting that gate up so if they were walking on Munn to come in through the back, he stated that he had contacted everyone so he thought they were good to go. He stated one signature and they would be there.

Mayor Diaz stated that she didn't know anything about a gate.

There was general discussion about the gate.

Council Member Garcia stated same as JJ, she just wanted to say thank you again to everyone of them for taking care of our city and she was glad to see more people participating in our National Night Out and she would have an educational magic show from 6:00 p.m. to 7:00 p.m. and invited everyone to come by.

Council Member Lee stated that he was very proud that National Night Out was such a big deal in Jacinto City because he talks to people all around, in different communities, and they don't do anything, they don't even know about it and he thanks all of them for being so involved, that last year they were at one of the block parties and some people drove by from Galena Park and they said we don't do this and so the people here are to be congratulated for being a part of this.

Mayor Diaz stated there was something that she forgot to mention to the Council, that she got a call from Galena Park Police Department and they ask if they could borrow the cotton candy machine on Halloween day, that we did let them use it last year and she didn't think it would be a problem and ask the council if it was ok to let our kin city borrow the cotton candy machine, they buy all the supplies and pick it up and bring it back nice and clean.

It was the consensus of the Council that it would be ok.

Council Member Gonzales apologized for coming in late but that it was job related and now he and Carmela had something in common, coming in late.

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