

## COUNCIL MEETING THURSDAY, JULY 11, 2013, 6:00 P.M.

The Mayor and City Council met in regular session on Thursday, July 11, 2013 at 6:00 p.m. with the following members present: Mayor Diaz, Council Members Rivas, Robinson, Lee and Garcia; City Manager Maner, City Attorney DeFoyd and City Secretary Raines. Council Member Gonzales absent.

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 of the previous meeting as presented. Vote: 4 For 0 Against

### MAYOR'S REPORT:

Mayor Diaz stated that she thought we had an excellent fireworks show this year and thanked Kyle and the public Works department and Lon and the Fire Department and that she had gotten great comments about the fireworks display but they said it was a little bit short this year. She thanked all the volunteers that helped with the 4<sup>th</sup> of July activities; with a special extra thanks for our Police Department and Constable Diaz and Pct. 2 for controlling traffic. The Mayor reminded everyone that our Community Garage Sale was coming up July 20<sup>th</sup> and there is no fee for that day so please come out and participate that all they had to do was go and sign up and give their address.

The Mayor advised that we were in hurricane season and rain was predicted for all of next week and we really need the rain.

Chief Ayala reminded everyone that National Night Out was just around the corner and if anyone would like to have a block party to let them know. He also advised that the Police Department had a benefit coming up for Officers Walker and Castaneda on Saturday, July 27<sup>th</sup> from 11:00 a.m. until 4:00 p.m. at the Town Center. He advised that they would have BBQ plates, an auction, music, etc. and that a number of people had tickets for the plates and would be happy to sell them one and that they would appreciate any donations.

Chief Squyres advised that what happened with the fireworks was that one of the connectors, that we buy the show electronically, and this year he wasn't the tech, it was one of the ladies at the fire department that was the tech and she had twelve years of training and did a great job. He stated that the shortness of the show wasn't her fault, the company that supplies our show had an electrical connector that didn't make the connection and they realized it during the show but it was not safe to correct it during the show but if they hung around a while, they did discharge them because you didn't want to try to store them so the people on that side got an extra show.

Mayor Diaz stated that we certainly wanted everyone to be safe, that we had a previous Mayor that had a little accident and we didn't want that to happen again.

Lon advised that it was a tremendous amount of work and the Fire Department usually got all the credit but they only did a part of it, that Public Works had a big part of it, they supply what they need and all the back up for them and PD and Pct. 2 helped out as well and our having the school's parking lot on Holland was contingent on our having Pct. 2 there and we appreciated it.

Mayor Diaz stated that she didn't get any complaints about mosquitoes being bad.

Kyle Reed, Public Works Director stated that they have had about three complaints and they did spray some the morning before the show and also around the park but the truck was ready to go.

Kyle advised that Bernardo Perez, who was his water and sewer supervisor had surgery today, that he had a hip replaced and was doing good and that was a big hit for him to take in the public works department, that he was a good employee for the city and ask that they keep him in their thoughts and prayers.

Ivan Rojas, Parks and Recreation Director, stated that all was going well in their department, that the fireworks were great and the pool had 150 to 175 come out that day so it was a good turn out.

Mayor Diaz ask Cindy how the seniors liked their trip, that last Tuesday they took them out to the Potato Patch and Deer Brook Mall on their monthly trip and everyone caught their rolls except Mr. Selph but everyone had a good time.

Cindy Miller, Heritage Hall Director, thanked Mayor Diaz for going with them, that they had a great time. Cindy advised that they were still having diabetes classes on Mondays from 10:00 a.m. to 11:30 a.m. and they have about 15 in that class and they are really educating them about diabetes and the classes may extend through August. She announced that Heritage Hall was having Christmas in July and Amerigroup was hosting a Christmas in July for Heritage Hall Senior Center on July 12, 2013 from 11:30 a.m. until 1:30 p.m. with food, gifts/prizes, dancing and Christmas Festivities and everyone was invited. She announced that at the Nutrition Bingo they had over 150 item and bingo lasted over two hours last Friday and everything was going very well.

Mayor Diaz stated they really enjoy the extra items for bingo.

Stephanie Orr, Jacinto City Library, reported that they were staying busy, that this coming

Wednesday at 3:00 p.m. they were having Happy The Clown so be sure and bring your kids over and yesterday they did a movie and popcorn and she was sad to say that Hugo, who was their TTA Assistant, was leaving so they wouldn't be having computer classes for a while.

#### CITY MANAGER'S REPORT:

City Manager Maner stated that everything was going well as they could hear from the department head reports, that all departments have their hands full, that it was a busy time of year for everyone, the city was looking good and like he always says if they have a problem to let us know and we would try to solve it.

There was no Unfinished Business.

#### NEW BUSINESS:

1. Public Works Director to present 2012 Consumer Confidence Report.

Mr. Reed explained that this was the water quality report and we normally mail this and this year they allowed us to put it on line and in different places like the library; he would get some to Heritage Hall and you could pick them up at City Hall or call him, that the phone number was on the report 713-453-7411. He stated it was a good report and the water was safe, it was a shorter report this year because we didn't have near the sampling that they used to do, that Houston does most of the sampling but the water was perfectly safe to drink and if they wanted a copy of this, that he had passed out some, but he would bring them a copy personally if they had questions and like he said, they are available on the city website at [www.jacintocity-tx.gov](http://www.jacintocity-tx.gov), it was a good report and if anyone needed it translated in Spanish they could call city hall and they would go over it in Spanish.

2. Council Authorization to advertise for bids for construction of Water System Improvement 2012 with bids due back on August 22, 2013.

Mr. Reed explained that this was Phase 4 of the water improvement projects that we have been doing through Harris County Community Development, which was HUD money, we would be doing around 6000 feet of water line and we had two supply lines that we were going to put in on Market Street. He advised this was a continuation of our water project and the streets that it would be on was Palestine to Norvic, 9 blocks, he stated that it was grant money and he was not sure what the city matched but it was an excellent deal for Jacinto City.

A motion was made by Council Member Garcia and seconded by Council Member Robinson to authorized advertising for bids for construction of Water System Improvements 2012 with bids due back on August 22, 2013. Vote: 4 For 0 Against

3. Council approval of Ordinance 2013-8 Application for pipe line permit from Bridgetex Pipeline Company LLC.

A motion was made by Council Member Lee and seconded by Council Member Garcia to approve Ordinance 2013 granting application for pipeline permit from Bridgetex Pipeline Company LLC on the first reading. Vote: 4 For 0 Against

#### COMMENTS FROM MEMBERS OF THE PUBLIC:

Andrea Rojas, 10617 Munn Street, stated that she wanted to see if they could get an update about the girls softball team.

Mayor Diaz ask Parks and Recreation Director Ivan Rojas to address the question.

Ivan stated that in regards to that, they sent President Alicia Mena an e-mail advising her that we would not be renewing the contract with her for next year, that we had given her time to turn in financial statements and they weren't able to provide them in time so we were not going to renew their contract .

Mayor Diaz stated they did have a meeting with her, it was herself, Mr. Rivas, the City Attorney and Ivan and she kinda gave them a little update of what was going on and we gave her until Wednesday, July 3<sup>rd</sup> to come up with financial reports and she wasn't able to come up with it. She stated like Ivan said, their contract would not be renewed and right now the doors are open for anybody that would like to start the program up again. Mayor Diaz stated that she did suggest to her that they have an new election and she didn't want to have it so basically, right now, there is no softball in Jacinto City for next year unless somebody comes out with a new organization but do have an open vote where you vote silent and you could have her and the council there with them.

Ms. Rojas ask what about since they owed money, would they leave it as is so they won't have a bad reputation.

Mayor Diaz advised that Chief Ayala did a little bit of investigating and maybe he could give a little input on that.

Chief Ayala advised that the investigation was open, it was not complete and when it was, he would have a report .

Ms. Rojas thanked him and ask about setting up a new organization.

Mayor Diaz advised them to get with Ivan and he would assist them.

Imelda Montolongo , 10101 Muscatine, ask if they would incur her expenses or would they start fresh.

Mayor Diaz stated she thought that if they start a new organization they would start fresh and ask for a legal opinion.

Ivan stated that what they owed the city was \$300.00.

City Manager Maner stated that he though this lady was questioning not only what they owe the city but any other obligation, he stated it would depend, that if you formed a new organization the answer was you were not liable for it, but who ever those officers were would be but of course you may have a hard time getting some of the businesses to do credit business with you because of the history, that was just their policy.

LaGloria Sephus, Big Bass, stated that to answer some of their questions, since the organization that was previously with the city, that what they needed to do first was get a new tax ID number, get a new name and everything and the organization would not be liable for it. She stated she understood it was a non profit organization and they had to get with the state and they could not use the same name that she had to get a new name, charter, etc. and if they knew anyone who could do a 501C3, there were some people here that would do it for you for free and some would charge and you had to get a tax ID number from the Internal Revenue Service and with a nonprofit organization you had to file a 990 every year and you did not co-mingle personal funds and business funds, you needed to get a bank account in the business account only and you would need to signers on the account.

Mayor Diaz advised that if they had any questions, LaGloria was very familiar with things like that and could probably help them out.

Dalia Castillo, 10101 Muscatine, stated that she thought that they all just wanted to thank the Mayor and Council for looking into the matter, that they roughed it out for several years and she thought they should have probably started here first.

Mayor Diaz advised that we were here to help them, she knew this had been going on for a couple of years because she had heard the complaints but all they had to do was just come talk to them and if we can't fix it, we know someone who can fix it and she was glad that we were able to work this out for them because we had to have JC girls back over here, the kids need the softball here.

Donna Dailey, 1701 Chazen, stated that she was here today for the Jacinto City Little League who was going to have a pitching machine clinic on July 29<sup>th</sup> through August 1<sup>st</sup> from 6:30 p.m. to 8:00 p.m. and the registration fee was \$10.00 and you could register on Friday, July 26<sup>th</sup> from 6:30 p.m. until 8:00 p.m. at the concession stand and Saturday, July 27<sup>th</sup> at the Jacinto city Gym from 10:00 a.m. to 1:00 p.m. and each participant will receive a hat, shirt or something to show that they did participate in this. She stated that it was for anyone that would be going into the pitching machine age or was in that age right now.

Donna stated another thing, since we are having a new girls softball, which she thinks is fantastic, she would like to ask them to take time to think about going from slow pitch to fast pitch since our high schools are doing fast pitch and the girls from this area go in with such a disadvantage because they are not doing fast pitch.

Mayor Diaz suggested that they have a vote on it or maybe do the slow pitch for the younger kids and fast pitch for the older girls

There was general discussion.

Ivan stated that if they decided to go with fast pitch they would actually have to go under Little League so baseball would actually be over them.

Donna Dailey stated that was discussed last night and what they came up with was that if the girls had fast pitch they would have a group of their own, if they had to be under league to play different areas that would be fine, but definitely girls softball would have their own representatives.

Mayor Diaz stated that she was glad they were able to help them with this and it was now in their hands.

Shelly Rivas, 1307 Horatio, stated they had checked into it and if you go into little league it was not ACA so you didn't want to read the by-laws of ACA, they needed to maybe get with her sister or Trinidad, who was over little league and they have a whole set of by-laws under little league only, and they could check into it before making a decision because if you go with ACA, our fields aren't right but if you go with little league they are right.

Mayor Diaz stated that they might want to talk with Trinidad, that he might be able to give them information and that Ivan could also help them out with that.

There was general discussion on electing new officers, etc.

#### COMMENTS FROM COUNCIL MEMBERS:

Council Member Rivas stated that he thought maybe the first step on that , the big group that we had last time about this and since they were going to start from scratch why doesn't communication be the element that we use, get together with Ivan and say lets have it at the gym and we talk about what direction we would like to go and once that is figured out then we start the election process and go from there.

Mayor Diaz stated that she thought Gilbert, the Vice President they have right now was really involved in it maybe they could get with him.

#### COMMENTS FROM COUNCIL MEMBERS:

Council Member Rivas stated that he was disappointed that no one said anything about the Bike Parade , that he thought we needed more advertisement so the kids could know what takes place on the 4<sup>th</sup> of July, he heard that the turnout was big before and it dwindled down and it was hot at noon and he could understand why they didn't want to get out there and peddle their bike, that it was funny that we had very few bikes but the pool was at capacity.

There were comments about people walking that day and the heat.

Mayor Diaz stated that she knew in the past that we have had 50 to 60 bikes in the parade, that her kids were usually in it but this year they weren't due to another commitment.

Council Member Rivas stated that he didn't think the people fully understood that the garage sale we were having was permit free, that we didn't have that advertised.

Mayor Diaz questioned if we could just put up there free, maybe Ivan and Kyle could put up on the marquee that it is free and that will get their attention.

City Secretary Raines advise that she thought they would be surprised that we have had a lot of people coming in and also inquiring about it.

There was general discussion concerning the community garage sale.

Council Member Garcia stated that she hated that Hugo was leaving, he was such a good fellow and has helped so many in our community but we wished him the very best.

She also stated that just for clarification purposes, Ana had suggested the council be present at the time of the election and she just wanted to clarify if it was appropriate for the council to be part of the open voting for the softball league.

Mayor Diaz stated that they were not helping, they were just there to monitor.

Council Member Garcia stated that she just wanted to clarify that and ask City Attorney Defoyd for his opinion.

Mr. DeFoyd stated that as long as they were not meeting, if it was going to be a meeting and the council was going to participate we would need to put it on an agenda and post it, if the council was going to go to a meeting as an individual you don't need to do that.

Mayor Diaz stated that so it was not a problem if we go and Jim replied that if they go as a city yes, they can't say they were going to monitor it as a city council but you could take care of that by posting it but if you go as a body and you are actually going to monitor or participate you have to tell the public that is what you are going to do under the open meeting act, just post it 72 hours before the meeting.

Council Member Garcia stated kinda like a hearing if all five of us appear here.

Mayor Diaz ask them to give us three days notice so that we could post it.

Council Member Garcia advised that she was at the bingo for the senior citizens last Friday and there was so much food and she ask the seniors how they felt and she just wanted to hear from them and one senior citizen said this was a blessing so that made her generate ideas and she was thinking and ask if we could set out a bin at city hall for food donations to Heritage Hall for bingo. She stated that she didn't know that when senior citizens participate in bingo they were ask to bring a couple of items but they don't have too, they can still play without bringing the items but with that comment it made her think we may need to do a little bit more for our seniors.

City Manager Maner stated that we would just have to have an approved container but sure it wouldn't be a problem, Heritage Hall is a part of the city.

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Council Member Garcia stated that if anyone was interested in supporting Lt. Walker and Sgt. Simpson she did have 20 tickets at only \$10.00 each so please make a donation to our officers for serving our community.

Council Member Garcia advised that if you walked in late for the meeting, there were some hurricane trackers on the table, that she got those today from the Toll Authority.

Council Member Lee stated that he had tickets also and he just wanted to say how much he appreciated all the department heads and the work they were doing, it had been hot outside and our public works department had been out there working and doing a great job and he really want to commend our EMT and Police Department for what they had to deal with yesterday morning, he knew it was rough and the ambulance driver had no idea what he was getting into when he answered that call and they do a great job and we appreciate them.

City Attorney Defoyd advised the softball people that he would help them with their non-profit at no charge.

Mayor Diaz adjourned the meeting at 6:45 p.m..

Respectfully submitted,

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

Joyce Raines  
City Secretary