

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

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

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

A motion was made by Council Member Gonzales and seconded by Council Member Garcia to table approval of the minutes until the next council meeting. Vote: 4 For 0 Against

DEPARTMENT HEAD REPORTS:

Chief Ayala advised that they were staying busy with paper work and burglary of motor vehicles and ask that they call if they see anything out of the ordinary.

Kyle Reed, Public Works Director, reminded everyone about the rabies clinic this Saturday at the Public Works Department and they had some flyers available. He stated that anyone could bring their dog to be vaccinated and the residents of Jacinto city had to buy their tags before they could take advantage of the price and he would have some stuff available pertaining to the dog waste and they would have some bags to pick up after your dogs and they were also going to pass out some stuff on the storm water management plan and the clinic would run from 9:00 a.m. to 3:00 p.m..

Mr. Reed reported that we got 3" of rain last night and he didn't want to hear anything about drought in Jacinto city, there was no flooding and everything went good. He stated that he was glad that it was cool because that kept the mosquitoes away, we would be getting into mosquito season and the truck was ready to go.

Ivan Rojas, Parks and Recreation Director, advised that they were staying busy with baseball and softball and ask that everyone come out and support the kids.

Cindy Miller, Heritage Hall Director, advised that Senior Olympics was the end of this month, April 29th through May 4th and if they were 60 years old or older she invited them to come out and join them.

MAYOR'S REPORT:

Mayor Robinson ask all the board members present to please stand up and be recognized and thanked them for coming out and participating.

He stated that he was glad to hear the officers were home and recuperating. He stated that Jack and he had a discussion yesterday on restroom in the park and it should be on the agenda soon to go out for bids and hopefully after ball season we could get started on them. He stated that he wanted to read something else and wanted to comment and he wanted to thank the employees of the city, stating that the city of Jacinto City received a "AA-" long term rating for 2013 general obligation (GO) refunding bonds, stating this was good work.

Mayor Robinson ask City Manager if he stole his report.

City Manager Maner stated that he did a little bit but we were proud of it, that from Standard & Poors we received a "AA-" credit report for the city and that was excellent. He stated that his usual report was that things were going well in the city and we appreciated it but he wanted to take one minute, that he had already told a lot of them, that yesterday was his 3rd anniversary of his double lung transplant and he was very proud to be here and he appreciated all of them and everybody sign up to be an organ donor.

There was no unfinished business.

NEW BUSINESS:

1. Lt. Longrigg presented the 2012 Racial Profiling Report for the Police Department, Explained what was included in the racial profiling report and advised that the department had not received any complaints of racial profiling in 2012.

2. A motion was made by Council Member Garcia and seconded by Council Member Rivas to approve the first reading of Ordinance 2013-6 Repealing Sec. 9-200, Chapter 11, Servant's Quarters. Vote: 4 For 0 Against

3. City Attorney DeFoyd read a Proclamation designating the month of April as Safe Digging Month in Jacinto City.

4. Nancy Gosney, 1701 Belin, stated that first of all she thought that everyone should really recognize Jack, that three years ago she personally saw Jack get wheeled into the ambulance which was a life changing event for her and she would actually be a donor now and especially three years later seeing him still here.

She stated that she had been in touch with the council and mayor and everybody that would listen to her and she thanked Mario for coming by last week and looking at everything and Gregg went by with Kyle. She Stated that she kinda did a survey in South

East of Jacinto City which would be East of Holland and South of Market, (she showed a graph) stating that approximately 69% of the chart was under 35 ft., then they had approximately 4% right at 35 Ft. and then we had over 35 Ft. (this was shown on the chart with no percentage quoted) and what they were talking about was the carport issue which was very eye opening after the workshop. She stated that she was at home and Molina showed up at her father's house and Rick showed up and she went over to help Rick measure and stuff and they measured from the center of the street back like he did last year and he said they couldn't get the carport and then they reversed the tape measure from the house to the survey and they gained 3 ½ ft. which was encroaching into what was our ordinance of 35 ft. and ask if that was right.

City Manager Maner advised that 30 ft. could be the right-of-way and the ordinance requires you to be 5 ft. off of that so 35 ft..

Ms. Gosney stated that she really wished the council would take a double look at this, that she went to Joyce's office today because she trying get the 50 and 60 ft. marks on this side of the city and also they have a large amount of carports that are less than 35 ft., that everything in the red there was 35 ft. too (showing chart) and again there are four or five of them that meet the 35 ft. mark which if they are 50 ft. there are still going to be a lot of them here pushing the boundaries of that ordinance so she hoped that we could get another workshop in the future to really look at this issue of carports because a lot of them really don't have any problem with utilities, safety issues and all of that good stuff and she thought that JJ himself could vouch for this and the thought that Mario and Gregg kinda noticed on her neighbors carport that it was kinda short wasn't it and it would be great if they would look at this.

Ms. Gosney stated that she was very grateful that Walker and Simpson are at home and well and she can't wait for them to get back to work and she hoped that everything else goes well.

Ms. Gosney stated that one of her neighbors approached her today, and her carport is set by the ordinance and she said that she wished that she had that other 5 ft., that she wished that she could have got her truck completely under the carport because of the hail they were afraid we were going to have and the neighbor said that ordinance would be a good thing that if they could get the vehicles completely underneath the carport, especially when you drive \$55,000.00 four door trucks and this was another issued that she was trying to bring up and another one of her neighbors had brought up to her today, the crossing at Jacinto City Elementary School, that needed to be painted off for a cross walk and she said that she wished that you'll really look into it especially since council people were always asking for her vote and she was just asking for 5 ft..

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5. Mayor Robinson stated that he would like to ask the council to table this item which

Was asking for approval to advertise for bids to asphalt Verano Street East to Holland Avenue so that the location could be corrected and place on the agenda for the next meeting.

A motion was made by Council Member Gonzales and seconded by Council Member Garcia to table agenda item No. 5 to be corrected and placed on the next council agenda.

Vote: 4 For 0 Against

COMMENTS FROM MEMBERS OF THE PUBLIC:

Nancy Gosney, 1701 Belin, Stated that while they were reviewing and hopefully revising some ordinance, that she did not personally know the house that was ordered to be cut back 3 ft. but she had personally been riding down that street for the last two or three years and she knew that they didn't ask for permission but she really would like to see them maybe consider extending the porches out because we don't live in a cookie cutter community and that house looks really nice with that porch out front. She stated that she could understand not going sideways, building on top of people's houses but this was 2013 and we also needed to start trying to be progressive into today's times and they needed to think about that because when Rick was at her neighbors they ask how far they could bring the porch because he was in a wheel chair now and he can't go out any further than he is now but explained to them how he could go out on his driveway and wanted to know why they had to come before the council or variance board and air their personal reason for this, when maybe they could consider it in their hearts to allow some of these people to make nice things, that the porch was beautiful and she did not know it was that house until today. She stated again that we were not a cookie cutter home and we need to allow some of these people to improve their homes because these junk cars and stuff we have sitting here and parking in the yards, that is what people see in our community, they don't see 3 ft. on a porch, they don't see 5 ft. on a carport, they see cars parked in the yards and the mud all over the streets so if they wanted to change that, it would make her real happy but that is what people see and on social media that is what they talk about. She stated that she thought that we needed to try to help people when they want to remodel their homes or maybe revised a few things to improve our community.

Larry Schion, 506 Hare Cooke Rd. Crosby, Tx., stated that like Ms. Gosney said, he would like to see them get involved in some more stuff because they were the officials and they did make the rules, regulations and ordinances to guide and this was actually one ordinance here (showed paper) and this was a lawsuit from Mr. Herman so now he was getting sued again twice and that was almost \$60,000.00 and he hadn't made his first penny off this fence yet and he was \$60,000.00 in the hole by trying to be a good

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citizen and a good individual that helps people and with that said, this ordinance says that you'll do have the right to take that fence down if you saw that you wanted to and it also

says that it can't be higher than 6 ft. and there was one or two of them that went and looked at that. He stated that he never saw a letter saying could you please take it down so he went to Joe Ayala and told him he was the police chief so why couldn't he just go over there and tell them to take the fence down and ask him why he couldn't go to the mama, she owned the house and he said well she was old and if you hit her with that kind of information she might have a heart attack. Mr. Schions stated that he didn't think that was appropriate, just to take it down because it was illegal and since he was the guy that does the permits and stuff he has the right to do that, he has the authority to take that fence down or tell them to take it down or start fining them and since he has \$60,000.00 worth of lawsuits and none of the city council did anything about this when it should have just been taken care of by the city council, he knew they had the authority to tell him that was an 8 ft. wall, not a 6 ft. fence, take it down and if they didn't have that authority he was shocked at what authorities they have because it was just a little authority and he thought that Mr. Jack, being he knows law and he had known him for a long time and he was a pretty good guy and he thought that he should have made that decision and said hey if it was over 6 ft. take it down. He stated that he didn't know of but one more place here that it was allowed and discussed the fence with the child predator next door and the decision of the variance board . He stated that out of this law suit there was five people, not just him, he sued every neighbor around .

Chief Ayala stated that he mentioned this to him when they actually put the fence up and that had been several months ago (there were some comments from the audience) and Chief Ayala stated that he did want them to know that he went to the inspector and brought it to his attention how it was built, that it was extended out and just wanted them to know that. He stated that there was another fence that had been brought to his attention by another gentlemen and he did take that to the inspector as well.

Council Member Garcia stated that since Kyle mentioned the mosquitoes she just wanted to remind everyone that if you happen to see mosquitoes please call public works department and let them know that we need spraying in the city and the more calls we have helps because we have to have documentation that residents are calling and a lot of our residents don't know that they have to make the calls so please make the calls.

Council Member Rivas ask Chief Ayala if there was a particular area of town where the vehicle burglaries were happening.

Chief Ayala advised Tinsel Town Theater, 24 Hour Fitness and they had three car burglaries that happened at the Switzer Apartments last night while the rain was going on.

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Council Member Rivas advised everyone to always protect themselves and be aware of their surroundings especially at Tinsel Town, 24 Hour Fitness or any big shopping mall.

Chief Ayala stated that he just wanted everyone to be aware of something that has been going on everywhere and they were going to hear about it and the most recent one happened in Pasadena where a man was walking from the store with a bag where he had bought some boots and there were three individuals in a truck with a pistol, they tried to take his bag and one of the men in the truck told them to shoot him but they didn't know he was carrying a gun and he ended up shooting the suspect, they took off and he fired into the truck and they were later apprehended and he just want to let them know that we had two or three situations like that in our city where they have actually followed residents to their home and approached them in their driveway and he just wanted them to know to be careful, watch behind them and if they feel they need too, come by the police department. He also brought to their attention that people are removing the tires from vehicles and leaving them sitting on blocks and we have had that happen once in our city on Fairfax. He advised that if they hear dogs barking to look out the widow and if they see anything to call them.

Council Member Garcia stated to that she wanted to add that at her house she has had two visitors, which she had missed, but they were energy guy so if anybody comes to your house knocking please don't give them any of your personal information and also ask if they have a permit, they are not supposed to coming to homes unless they have a city permit that says they are allowed by the city to be offering you something.

Council Member Lee ask if there were any city permits for that and was advised there were Peddler's permits and we had a peddler's ordinance.

Council Member Lee stated that he had asked on a couple of occasions and had told him they had Houston permits and he tells them they are not in Houston.

Donna Dailey stated that she would just like to have some clarification, that we are talking about concealed gun license all the time now and ask if you needed a concealed gun license to have a gun in your home and she was advised no. She ask what about in you car and someone stated no but Chief Ayala stated that was questionable, that was another issue. Ms. Dailey stated she was told that it was the same, that if you had a vehicle and you had the gun in your vehicle that it was the same as your home and she would just like to know that because first of all she didn't want a concealed license only because she didn't want the government to know that she has a gun, they know enough. There was general discussion on concealed gun licenses.

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Council Member Lee stated that he had just been thinking about opening day of baseball season and everything that was going on in the city at that time, the parade and Lon had everything organized over at the fire station for the hazardous waste and he was just

amazed that it all went so well and was really proud of the city and everyone that was involved and he just thought it was a great day.

Council Member Rivas stated that some of them knew what he did for a living but 811 was very important. There was general discussion about the process involved in this procedure. Mr. Rivas advised that it was free of charge and he recommended they do it because in the industry he was in it was very dangerous, if you decide to get some large equipment out there, windup digging and hitting something. He advised that 811 could get you to anything that was in the ground there.

Mayor Robinson advised that what was said in the audience was not recorded so if they wanted what they say recorded they would have to come to the podium.

Council Member Rivas stated that Center Point usually has surface line of 1” .

Council Member Garcia ask the gentlemen in the back if they were with Center Point, stating they could educate us if there was something we needed to know.

Mr. Rick Hurst and Mr. Jose Balderas from Centerpoint Energy were present and Mr. Balderas stated that they could share a few words with them and to answer the question for the gentleman, they did have ½” and 1” and 2” and 4” and 6” lines underground . He stated that the heart and the core of the statement that the gentleman made is call before you dig and that is the clue, it was not about I’m covered, they would have to pay me, I’m in my own property, I can do whatever I want, no, the core and the heart of this statement is the property and the life and so if we do use wisely, those suggestions, and call before you dig that was what it was all about, we were going to prevent anything and all from happening and the main concept about the proclamation that they voted on was call before you dig even if you are excavating on your own property you still needed to call and they would send someone out there to locate all your gas facilities, and as the gentleman in the back was saying you had to be a member of the 811 team, yes and they would gladly send someone out to locate the gas line for you and if they still had questions to feel free to call them.

Mayor Robinson adjourned the meeting at 6:40 p.m..

Respectfully submitted,

