

## COUNCIL MEETING, THURSDAY, FEBRUARY 28, 2013, 6:00 P.M.

The Mayor and City Council met in regular session on Thursday, February 28, 2013 at 6:00 p.m. with the following members present: Mayor Robinson, Council Members Rivas, Diaz, Lee, Garcia and Gonzales; City Manager Maner and City Secretary Raines. City Attorney DeFoyd absent.

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

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

### DEPARTMENT HEAD REPORTS:

Chief Ayala reported that they had been staying busy, it had been kinda quite and he would pass at this time.

Chief Squyres reminded everyone that we had the hazardous waste collection day coming up on March 23<sup>rd</sup> and advised everyone to get there early by 8:00 a.m. because they were going to be limited to the amount they could take. He advised that they could go to the city website and get the flyers both in English and Spanish and what they would accept and what they won't accept.

Kyle Reed, Public Works Director, stated that at the last meeting he mentioned that they were going to start the water plant up, mixing some water but they didn't get to start it up, they had some problems but they were going to be working on it and they did put some water into the system and he wanted to tell them this was the first class operation, every water system should operate like we are going to be operating and he was very proud of that and thanks to TGLOW this was 3.41 million dollars that were provided to the city basically free and we had done some work to the sewer plant and would be firing that one up hopefully; they had a couple of things that had to be cleared up there and Lon mentioned that on the 23<sup>rd</sup> of March we have the hazmat collection site and that was also the day of the baseball parade and he would get with Lon and they would decide how to get everybody through there. He advised that mosquitoes were going to be early this year and they were ready to go as soon as they became a problem. He reminded everyone that we also continued to be in a moderate drought and to please notify them of any water leaks 24/7 so that Bernardo and his people could get them fixed and he wanted to thank them, they had done a good job keeping all the leaks up to date and the yards repaired.

Ivan Rojas, Parks and Recreation Director, stated that they had been busy getting the parks ready for baseball and softball season coming up and like Kyle said, March 23<sup>rd</sup> was

opening day and the parade would start around 9:00 a.m. and also they would have the Easter Egg Hunt on Sunday, March 24<sup>th</sup> and it would be in the afternoon so that everyone could get to church and then come for the egg hunt.

Rosalinda from Jacinto City Library stated that they were celebrating Dr. Seuss's birthday on Monday with Whittier elementary students and this year they were doing a coloring contest, they had been having all the students turn in their coloring sheet and they would decide the winners on Monday and this was something that they had been doing for a lot of years and they were looking forward to this.

#### **MAYOR'S REPORT:**

Mayor Robinson reported that the Mayor and Council met on Tuesday night on the shopping cart ordinance and the dog waste ordinance so they would be seeing that coming out pretty soon.

#### **CITY MANAGER'S REPORT:**

City Manager Maner stated that they had just heard from the department heads that things were going well and like he always said, if there is something that needs our attention let us know, we don't catch them all that we need their eyes and ears out there as well.

Council Member Garcia acknowledged the members from the Variance Board, Planning and Zoning Board and the Dangerous Building Board that were present at the meeting and ask them to stand and be recognized.

#### **UNFINISHED BUSINESS:**

1. City Manager Maner read Ordinance 2013-1 Granting a pipe line permit to Texstar Midstream Services.

Council Member Rivas ask if there were any questions about the pipeline, that he had talked with the gentleman and had his card and was told that if we had any questions or concerns that we could give him a call.

A motion was made by Council Member Gonzales and seconded by Council Member Diaz to approve Ordinance 2013-1 granting a pipeline permit to Texstar Midstream services.  
Vote: 5 For 0 Against

#### **NEW BUSINESS:**

1. City Manager Maner read Resolution 2013-3R providing for additional penalty collection cost for taxes due before June 1<sup>st</sup>.

City Manager Maner explained that this simply authorizes the collection of a penalty as provided by the State law and enables the city to charge that and pass on the cost of collection for the attorney to collect them for the city.

Council Member Garcia ask what the penalty was now and was advised that it was 20%.

Council Member Lee stated that we pay Harris County to collect taxes now.

City Manager Maner stated that we did but this was delinquent taxes and they didn't collect delinquent taxes.

A motion was made by Council Member Gonzales and seconded by council Member Diaz to approve Resolution 2013-3R providing for additional penalty collection cost for taxes due before June 1<sup>st</sup>. Vote: 4 For 1 Against (Rivas)

2. City Manager Maner stated that this was the contract for the current year with DeFoyd & Associates and they have been collecting our taxes for several years and he read it by caption, stating if anybody had any questions we would be happy to address them.

A motion was made by Council Member Garcia and seconded by Council Member Gonzales to approve the contract for collection of delinquent taxes with DeFoyd and Associates. Vote: 5 For 0 Against

3. City Manager stated that the contract for financial services with Coastal Services was also a lengthily contract, to let him preface to reading of it by caption by saying that this too was the renewal of an existing contract and the name of the company was Coastal Securities Inc. and they had been the city's financial advisors since 2000 or 2001 and had done a good job, it was just time to renew the contract. Mr. Maner explained that he, Lon and Jim Defoyd had met with Jim Gilley of Costal Securities last week and the main reason for renewing the contract at this time was that an opportunity had arisen for the city to enter into a refunding situation with our certificates of obligation, the 7.25 million that the city passed back in 2002, that it was what you called refunding but it was basically refinancing like people refinancing their homes now because of the situation with the interest rate being what they are we can save a lot of money, he stated that the bonds would pay off in 2024 and over that period of time between now and then, if we do the refunding which will be brought up at the next council meeting and Mr. Gilley would attend and explain everything financially and this would save the city almost half a million

dollars over that period of time so it was certainly worth a lot and this was a renewal contract with Coastal Securities to provide us with the services of being the city's financial advisors to advise us and to take care of the legal implications of such things as bonds and refunding or refinancing things and he would recommend the city renew the contract with Coastal, they have been a real service to us over the years.

Council Member Garcia stated that as far as she knew Galena Park had already stepped on the band wagon so why not us.

Council Member Garcia made a motion seconded by Council Member Diaz to approve the contract with Coastal Securities Service for financial service. Vote: 5 For 0 Against

4. Mayor Robinson advised this item was to request approval to advertise for bids to sell surplus vehicles and stated there were (2) 2003 Crown Victoria, a 1991 Chevrolet Cheyenne, a 1995 Ford F150, a 2001 Ford F150, a 1996 Ford F150, a 1991 Ford F700 Dump Truck and a 1999 Ford 350XLT super Duty Ambulance.

Council Member Diaz stated that on the two Crown Victoria they were asking a minimum Bid of \$1500.00 each and the other five they were asking a minimum bid of \$200.00 each and a minimum bid of \$3,000.00 on the ambulance. She ask if the vehicles with a minimum bid of \$200.00 each worked, were the drivable.

Public Works Director Kyle Reed advised that they were not drivable, you might get a couple of them running but they would not pass inspection, they were junk and the minimum bid of \$200.00 was in case someone doesn't bid, pick a parts can come get them, it was time for them to go.

Council Member Diaz ask about the two 2003 Crown Victoria with a minimum bid of \$1500.00 and was advised that they were drivable, they would crank up and sold as is.

Mayor Robinson questioned when they wanted the bids back.

City Manager Maner advised that we have to advertise twice and recommended that we have them back at the last council meeting in March, which would be March 28<sup>th</sup>.

A motion was made by Council Member Rivas and seconded by Council Member Diaz to authorized to advertise for bids to sell surplus vehicles, two patrol units, five public works Service vehicles and one ambulance with the bids due back on March 28, 2013. Vote: 5 for 0 Against

5. Larry Schion, 506 Hare Cook Rd., Crosby, Tx., stated that normally he didn't bring stuff with him to read, he usually just remembered it off the top of his head but as he had been coming up here talking about one of their officers and some of the time they don't understand why he talks about things that he does so what he wanted to do, that he had been ask by some higher officials with Harris County to read this to get into the minutes so if something happened to him or his son and he would explain why after he read it. He read a letter address to Chief Ayala/Captain T. Demont from Sgt. D. Walker dated January 13, 2009 (copy of letter attached for record). Mr. Schion stated with that said, he didn't know that this letter existed until after Walker stood up there the other day and said that he had won the battle but he hadn't won the war. Mr. Schion stated that he never thought that he was in a battle with the a police officer here in this city, never had been and never thought he was and he didn't want to go to war with one but if his statement means that he is going to continue messing with him then he needs to be prepared and he will prepare himself for whatever it needs to be and he doesn't want to do that but he would if he had too. He stated that he had been advised to take this statement and give one to Joe Ayala and one to the City Manager, one to Quanell X and one to the Attorney General's office downtown in case something happens, that his understanding by three of the high up ranking officials in Harris County that this statement sounds like it is justifiable homicide, meaning that if his son ever raises his hand to him and he has to shoot him, he has warned them and warned them. Mr. Schion stated that he didn't know that this existed so that was why he was up here talking tonight because when he stated up here the other night that my son raised his hand to him in the court system, that Nancy Gosney was in there and she said that didn't happen, that Walker provoked him. Mr. Schion stated that over at Mr. Hermon's house he stated again on the tape that my son raised his fist to him and he ask Mr. Maner to look into that, which he was, and he appreciated that but he said that he had it on tape and he would just like to see it somewhere down that line that his son raised his hand to him and then he said that at Eddie's his son raised his hand to him so what he was doing was making a paper trail called justifiable homicide so if anything happened to him or his son and he came up dead then he wants somebody to look into it because he didn't think that it was quite right . He stated that these would be turned into someone else, that he just wanted to get this in the minutes so if ever needed he could come back for it and like he said today he got information that he did win the case and \$7300.00 for him and his court cost but it was never about \$7300.00, that was not that much money to him, it was about right and wrong so as he stands up here and talks to them, he had been doing this for 30 years and some of the people in the audience says well you don't even live here and they were right but for someone to devote his time and come back over he was not making trouble, he ask Joe Ayala to just get him an I'm Sorry because he got Odem and Lievene on him and Mr. Walker's reply was no that was not happening. Mr. Schion stated that he ask for just I'm sorry and he didn't get it but Joe Ayala was sitting there and if they wanted to they could

ask him, that he did ask him that and Walker refused and he didn't know where to go with it but he was just a little bit scared because the papers that he wrote was long and he even when into details about the van, it was very detailed so he just wanted to get this in the minutes so this was the last time he was going to talk on it but he just wanted to get that part in there because he thought it was important.

#### COMMENTS FROM MEMBERS OF THE PUBLIC:

Lorna McCall stated that she was a new church council member at Second Baptist Church and she was standing in for their Pastor Brother Alex and his wife Maris, that they were unable to make it. Mr. McCall stated that their youth was going to be attending a Conference in March and in order to raise money for the hotel rooms, gas, etc., they were going to be holding a fish fry at their church located at 10505 Muscatine and they would be selling fish plates for \$7.00 on Friday and Saturday, March 8<sup>th</sup> and 9<sup>th</sup> from 11:00 a.m. until 3:00 p.m. and they just wanted to extend an invitation to the city and council to see if they would come out and support their youth and she had flyers to hand out and invited all of them to come.

City Manager Maner ask who was cooking the fish and was advised that it would be the Pastor's wife and volunteers from the church.

Mayor Robinson ask if they could call and order it for pickup or would they deliver on Friday.

Ms. McCall advised that the youth were going to be selling tickets but they could also just go that day at 11:00 and buy it there, you didn't have to buy a prepaid ticket.

Council Member Diaz stated that what they were asking was if the ladies at City Hall ordered plates could they deliver them and she advised they would deliver or they could pick them up either way.

Council Member Diaz stated they were very good cooks that she had attended a bar-b-que they had.

Council Member Lee ask if there would be a men's breakfast this Saturday and was advised there would and he encourage all the guy to go.

Ms. McCall stated that the breakfast was great, that it was always the first Saturday of the month and started at 8:00 a.m..

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Council Member Lee ask about National Day of Prayer being there and Ms. McCall said that she would be back to invite them to their National Day of Prayer in May.

Council Member Garcia stated that Ms. Lorna had been PTA President and she did it well and she was sure that she would do great at this.

Larry Schion stated that if they would go get them, he would buy everybody up there lunch.

Council Member Diaz advises Ms. McCall that Mr. Schion was going to buy 8 plates today.

The Mayor and Council thanked Mr. Schion.

Council Member Diaz stated that they would be having the Easter Egg Hunt on March 24<sup>th</sup> and the reason they were having it on Sunday this year was because of the baseball parade but they were having it after church so hopefully everyone can come out and ask if anybody had any extra candy laying around or if they wanted to make a donation, they were to stuff about 4000 eggs that Seller's had already donated the 3000 so they had between 4000 and 5000 eggs and they did need a little donation to buy candy to stuff the eggs and if anybody could help them out they would really appreciate it.

Council Member Rivas stated that he would just like to say to Kyle and Ivan that he attended the baseball meeting and just got compliments for them, everyone was saying that the fields looked great and the parks looked wonderful so please pass that along to the public works guys and Ivan to parks and recreation.

Public works Director Kyle Reed ask Council Member Rivas if he was coming to the safety meeting in the morning, Council Member Rivas stated that he was and Kyle ask him to pass that along to the guys.

Council Member Diaz stated that baseball was coming up and hoped that everyone was ready for baseball and they were having a cookie dough sales so when the kids come up to them please buy.

Council Member Garcia stated that they appreciated everyone coming today and everything that our city directors do for the city. She stated that last Friday she was with Kyle and immediately he noticed a leak and took care of it immediately and she had been going by there and everything looked great, no water.

Council Member Lee reminded everyone that Saturday was Texas Independence Day and he hoped they would all join him in flying their Texas Flag and thanking God for the Great

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State of Texas.

Council Member Rivas stated that he would like to say hello to Kim Bellotte, Claudio Ochoa and Chris Diaz.

Council Member Garcia also recognized Mr. Childress from Big Bass Resort.

Mayor Robinson 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 and title.

Joyce Raines  
City Secretary





To: Chief J. Ayala/Capt. T. Demont

From: Sgt. D. Walker

Date: January 13, 2009

Subject: Disorderly Conduct

On January 9, 2009 I Sgt. D. Walker was on duty working special traffic enforcement (Step) throughout the city of Jacinto City. At approximately 5:30pm, I stopped to take a break for a few minutes at the Eddie's Food Store located at 1002 Holland Avenue. I exited my patrol unit and entered the store and observed several individuals standing at the cash register. Due to the long lines I exited the store and observed an individual that was in the line exit the store behind me. I observed the unknown individual enter the passenger's side of a white van that was parked in front of the store with the engine running. As I approached my patrol unit that was parked in front on the north side of the store I heard someone call me by my last name and asked me could he ask me a question. Not knowing the identity of the individual and thinking this was a citizen needing information I approached the passenger's door to the vehicle which was described as a white diesel van. When I arrived at the door I recognized the driver that was sitting in the driver's seat of the van as Larry Schion and then I recognized the individual that called me and entered the passenger's door as his son Christopher Schion. Christopher then stated "Walker why did you put the price on that machine at \$100,000". I then replied to Christopher that I am not the person who set the value on that machine.

Christopher then began yelling at a loud tone of voice that he did three years in prison and stated "Behind that mother fucking machine" and he also stated "It ain't worth a \$100,000". Larry Schion began yelling that the machine had been under water two times and then Christopher began using all types of vulgar language such as "Punk, Mother Fucker" and many more. While Christopher and his father were yelling in my direction I advised Christopher that if he had not stolen the machine he would not have to worry about the value of it. Christopher then began yelling over and over that he did steal the machine stating "He did three years in prison for it and continued yelling stating "The mother fucking machine was not worth \$100,000 calling me all types of vulgar names. Christopher continued yelling vulgar languages stating that I will never catch him again and his father was yelling something but due to Christopher's raging voice and vulgar languages and while the diesel engine was running I could not hear what Larry Schion was yelling. Christopher was in a very out raged



state and very erratically but never exited the van.

Due to police officers cannot be offended regarding vulgar language that is directed to the officer, I walked away from their van and entered my marked patrol unit and drove away. It is a concern regarding Christopher's raging attitude due that at some point I might make contact with him and his father again during police affairs. As I was leaving I could still see and hear Christopher hanging all the way out of the passenger's glass yelling that he did three years behind that Gradall machine and continued yelling all types of vulgar language towards me.

After arriving at the Jacinto City Police Department I reviewed the case JCPD #05-03323 where Detective Silva and myself investigated an Unauthorized Use of A Motor Vehicle. The vehicle was stolen from the Jacinto City Public Works located at 1202 1/2 Market Street Jacinto City Texas. Christopher Schion was found to be the suspect in this case and after a detailed investigation we were able to charge and arrest Christopher Schion. The court found Christopher guilty for Unauthorized Use of a Motor Vehicle and he was sentenced to three years in prison and restitution must have been ordered by the courts and that might be the reason why Christopher and Larry Schion are so angry with me.

Sgt. D. Walker  
Sgt. D. Walker