

## COUNCIL MEETING, THURSDAY, DECEMBER 27, 2012, 6:00 P.M.

The Mayor and City Council met in regular session on Thursday, December 27, 2012 at 6:00 p.m. with the following members present: Mayor Nunez, Council Members Rivas, Lee, Garcia and Gonzales; City Manager Maner, City Attorney DeFoyd and Assistant City Manager Squyres filling in for Ms. Raines who was on vacation. Council Member Diaz arrived after roll call.

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

A motion was made by Council Member Rivas and seconded by Council Member Lee to approve the minutes as presented. Vote: 4 For 0 Against

### REPORTS OF OFFICERS, EMPLOYEES AND COMMITTEES:

Chief Ayala stated that he would like to have Lt. Walker and Lt. Longrigg to step forward, that they had both been recently promoted to Police Department Lieutenant. He advised that he had Lt. Walker over the detective and support services and Lt. Longrigg over the patrol division and they would also have other assignments. He stated that he wanted to let the community know that they were both outstanding officers and both knowledgeable in the law enforcement field and between them both, they had 28 years of law enforcement experience. He went over the educational background of both lieutenants and that he was very honored to have them aboard as commanders.

Chief Ayala stated that he would also like to present one of their new police reserve officers, A. J. Seydler. He stated that he wanted to welcome Mr. Seydler and his family Mr. and Mrs. Seydler who was here with him and that A. J. was a lifelong resident of Jacinto City and they welcomed him aboard. Chief Ayala went over his educational background.

Chief Ayala stated that he was sure that everyone had heard about the tragic event that happened concerning the death of all the children and he did meet with the Principal at Jacinto city Elementary and they did talk about the security issue for the school and he did want to let them know that the department was invited to a lockdown that they had last week and he wanted to say that they did a tremendous job and they were well prepared and were on top of things and he just wanted to let them know that the principal and school were to be commended for the security work they are doing down there and the issues having to do with the children, that they were on top of it over there and they were going to participate in a leadership meeting with the school and he would report on an update having to do with Whittier Elementary.

Chief Squyres stated that along those same lines from the emergency management perspective, events like that makes you look at your own community to see whether or not you feel you and your children are safe. He advised that well before that happened, the two LEPC in the area helped the school district apply for a large grant and got about a third of a million dollars through Homeland Security and they had already done one major exercise with them and it was a district wide exercise focused on one school but the administrators and teachers from the other schools participated as well and that one had been done about three months ago and was called a shelter in place exercise simulating a large toxic release and it went very well. He advised that in May they had scale exercise that was a shooter exercise where they would actually simulate a gunman in the school, law enforcement would come in and take the gunman down, EMS would come in and transport people and it was going to be huge, it would involve both Precincts for law enforcement, all area local law enforcement agencies, there was a lot of work to be done but the good that would come from it is that every agency, police, fire, EMS, hospitals, etc. will be able to talk to one another and literally function as one and they were looking forward to that.

Kyle Reed, Public Works Director, stated that first of all, he wanted to let them know that we are still in a drought but hopefully after tonight conditions would improve but right now we were in a serious drought and if we didn't change in a couple of weeks, we were going to have to issue the first round of our drought contingency plan. He advised that we never got passed the second round the last time we had to issue that but to please conserve water and if they saw any leaks to call them 24/7, that they have had several during Thanksgiving and a couple during Christmas so please give them a call.

Mr. Reed advised that he had a couple more things to bring to the Mayor and Council, that he had two reports on their desk that came from the TCEQ, one was for allegation made against the city back in July and Elizabeth Sears sent a report on that and her phone number was on that and the citizens could review this too. He advised that everything was found to be in compliance, they had a problem with a manhole overflow and that happens from time to time, this was an old city and he never said the city was fixed, he said we were fixing it and if they see a manhole overflowing to please call them 24/7 because they needed to be reported and as long as we were working on fixing the system, we were good and we are. He advised that we were fixing to spend over a million dollars back in the 10100 and 10200 blocks over on Palestine to Lane pipebursting the final sewer lines in the city that need to be pipebursting so anyway, that report is there and the second one was for the storm water management for our storm water system and there were no violations, they were here for two days, one for paperwork and one for the system and they had the report in front of them and there was a phone number for them to call and talk to the inspector who was Ms. Elizabeth Sears and also the sewage treatment plant was

inspected on November 29<sup>th</sup> and all was good, no violations at all and the water treatment facilities were inspected and there were no violations what so ever and our underground gas and diesel storage tanks were inspected and he had to have a test done because we couldn't produce the documentation from 1987 when they were installed and we got a company to do the test which cost \$1,400.00 but that was what TCEQ wanted and that plant was constructed in 1987 and he didn't know where that documentation was but they would have it now.

Cindy Miller, Heritage Hall Director, stated that they were just moving right along and she had sent them the January calendar and the only thing that was not on there was they were going to try to have bridge classes and line dancing classes and they were looking forward to a new year.

Kim Bellotte, Parks and Recreation Director was on vacation.

#### MAYOR'S REPORT:

Mayor Nunez advised that one of our long time residents, Mr. Roy DeLoach, passed away on December 20<sup>th</sup> and ask that everyone remember them in their prayers.

Mayor Nunez congratulated Lt. Walker and Lt. Longrigg, she stated that she didn't want anyone's feelings hurt but she would like to say a few words about Lt. Longrigg. She stated that he was always around when she needed him, that she needed a Santa on the 8<sup>th</sup> of December for the nursing home and he volunteered, he took his own free time to be there and she appreciated that and the other thing was the seniors loved him because he communicated with them and that was the key to being a good officer that you communicate with the people in Jacinto City, he knew how to give back to the city and that was something that she had always looked for and he communicated with them in a professional manner and that was a plus for him and like she advised the Chief he did good in promoting Walker and Longrigg, that Walker had been here a long time but a lot of people did not know Longrigg but they would get to know him because he would be visible and she congratulated the Lieutenants on the promotions.

#### CITY MANAGER'S REPORT:

City Manager Maner advised that everything was going well, it had been a quite holiday for us and we were thankful for that and wished everyone a safe and happy new year.

#### UNFINISHED BUSINESS:

1. City Attorney DeFoyd advised this would be the second and final reading of the Smoking ordinance and read it by caption.

A motion was made by Council Member Rivas and seconded by Council Member Gonzales to approve Ordinance 2012-6, a comprehensive second hand smoking ordinance on the second and final reading. Vote: 5 For 0 Against

There was discussion on when the Ordinance would become effective and how the businesses would be notified.

#### NEW BUSINESS:

1. City Manager Maner explained that this Resolution just supported the continued appointment of the Port of Houston Commissioner that the cities other than Houston and Harris County appoint and this supports the continuation of that practice and it was good for our city, we have been fortunate that the smaller cities, as we call them, has been able to appoint a good representative through the Harris County Mayors' and Councils', that we have always had a good representative on the Port Commission and we wanted to keep it that way.

Mayor Nunez advised that Mr. Jimmy Burke was our Commissioner and he had done a good job representing Jacinto City and she knew that they were trying to take that away from us but in Sunday's paper she read that it might not pass because there were cities like us that would be taking up for our Commissioner.

A motion was made by Council Member Lee and seconded by Council Member Garcia to approve Resolution 2012-12R Supporting local representation from elected and appointed officials residing in the taxing entities, and recommend continuing appointments of authority commissioners through the impacted local municipal entities. Vote: 5 For 0 Against

2. Mr. Larry Schion was not present to address the Mayor and City Council.

3. Jim Moore stated that first of all, he wanted to wish all of them a Happy New Year and hoped they all had a fine Christmas. He stated that he could have done it better himself but Mr. Reed gave him an opening when he brought up the TCEQ. Mr. Moore stated that they did put out a letter and he wanted to thank them and Lon because he went over there and took some pictures as it was going on of the job they did by plugging

that bypass line over on Lane Street, he didn't think any of them knew that and he knew the citizens didn't know it because there was raw sewage going into the Harris County Flood Control, that Mr. Reed failed to mention that to them and he didn't know if they got fines on that or not but he did know that Mr. Reed was right that they did take care of the issue of it going in there which was good, that was what they want, there was an awful lot of kids out here and people out here that could end up with an awful lot of diseases because there was a statement made the last time he was here that we would just pay our fines but that was not the issue when you were working in the city, the issue in the city was keep it safe period and that was what he was doing. Mr. Moore stated the other thing was a question for them, they could look at it or do whatever they wanted, that back over there on Lane when that job went in, that bid went in for the contracting, those manholes were refurbished, everyone of them was refurbished, why was there bypass lines tapped into those refurbished manholes which were dumping into the Harris County Flood Control, that was what got them in trouble to start with, then once it was brought up and they plugged them because Kyle caught them down there with Stacy, they plugged it and then what happened was they came out and he was taking pictures it was coming back out of there, your department, another violation, got it taken care of, beautiful, that is what we are here for but you got another issue that come up where you are talking about doing another million dollar grant over there putting pipe bursting and you wouldn't be doing any of that if the job was done right the first time. He stated Jack Maner complaining the whole time about sewer backing up in his new home in the 200 block of Wiggins, Palestine backup, how it was relieved, he didn't know if they ever knew, that was probably when the bypass line were put in and it relieved it for him and now that it was closed, you had a big problem, the backup was going to start again because now there was no way for it to get out and he talked about the size of the lines and if they did their homework and looked at it they would see what he was talking about. Mr. Moore stated that he was not out here to do anything, he was out here to help the city and matter of fact he was helping them do their jobs, because he was giving them all the information they need and he was willing to sit down and talk to them about it because he was out here ten years and he knew what went on in public works, he knew all the things that went down and that was one of the reasons he was out here today working for this city because he knew too much. He stated they needed to look at it and they needed to think about it, what was going on, that grant they were putting in there, they wouldn't be doing it today, they wouldn't have to and

they had no idea what was going to happen from this point on and it was a shame that he had to talk to the Mayor and Council to get to the citizens because they didn't really tell the citizens what was going on, that they had it on the internet where you could look up all the council meetings and that was fine, then they put out a news letter and that was fine, then they come in the next meeting and approve the minutes, the citizens might have something else to say about it but they have no say because they took it away from them, they have no idea what went on, they may have been out of town, they have no earthly idea how to work a computer and he thinks they need to look into some ways to help them out here so they would know but he didn't come in here for that but he opened the door up for him on that and they really needed to look at it, they would spend a million dollars that they wouldn't have to spend and they were going to have problems on down the road because when it started raining, number one, you had TCEQ that was going to be watching for it because you were going to have backups, you were going to have waste going into people's homes and everywhere, it was going to happen you couldn't get away from it. Did he know if that grant was going to help, no he didn't because you still had that bottle neck down here. He stated that they had Precinct 1 Environmental Officers still working on it, this wasn't over by no means and he hears it said to hold it down so they can get these grants and he wants them to get grants but they needed to take care of their business too and that was them, they were the boss of that man right there, that man over there and everyone else and they need to start doing their jobs a little better or if they needed him to help them he would. He stated that they had two crime officers working that right now, it was not over by no means. He stated that talking about the letter that came from TCEQ, that was only talking about the line that they fixed and plugged so it wasn't getting out into the Harris County Flood Control and coming up through the manhole because they put a lid in there, they covered it up but you were going to have the problems and he was going to get off of that. He stated that he just wanted to let them know that the investigation was still going on, could be something coming down later about it. Mr. Moore gave them a phone number to report any problems to the TCEQ, 713-674-8424 and that was TECQ, file your complaints through them. He stated the other issue you had was you had to call city hall and report it because if you report it, they won't get fined and that was what you wanted to do, you don't want to get fined so if anything comes up and you had a spill, report it and you are ok. He stated the other issue you had and it was on going right now and he was hoping it get over because he had a lot of citizens calling him saying Jim what is going on and all he ever hears is everything is over and nothing is getting done, you got the Texas Rangers still working, that's not over, not by a long shot and there is no way the Texas Rangers are going to sell out to anyone. The Mayor advised Mr. Moore that he had one minute. Mr. Moore stated that he needed to get into this, it was very important, 2013, the water line, the one that just went through, to let him throw something out there to them, the bid, how it came down, you had two bidders bid on copper but two of them was way over

but three of them bid way way down there, it wasn't even near around and they went in three weeks after doing the job they were putting pvc in and it stated copper and Harris County caught it or someone else in the city caught it. Mayor Nunez advised Mr. Moore that his time was up and he replied that he would come back and thanked them for their time.

#### COMMENTS FROM THE PUBLIC:

A lady from the audience stated that she just wanted to compliment the City of Jacinto City because she had just been here for four years and she just liked everything that she sees and she liked the way they treat the seniors and she also liked what she saw yesterday or today, that they were painting the stripes on the street because she had told someone that she couldn't see them at night and she appreciated that they got on to that pretty quick.

Mayor Nunez advised her that Commissioner Morman was responsible for all of that, he was our new Commissioner and he had given 1.4 million fixing the streets and he was working on some more projects for Jacinto City, he had not forgotten us but he was the one that was doing the restriping.

The lady ask that she please thank him for her, that she sure appreciated it.

Donna Dailey, 1701 Chazen Drive, stated that she was really glad that the second hand smoke wasn't going to be an issue but she did have a question about the senior citizen hall, that a lot of the seniors come in here on buses and they did smoke and they usually go outside to smoke off to the side and there was a smoking area, what was going to happen there, that they were open from 8:00 a.m. to 4:00 p.m. and they were usually there until 12:00 noon, could they have a smoking area.

City Manager Maner advised there would be a smoking area but it would have to be 20 feet from the door.

Ms. Dailey advised that was basically what she wanted to know because she didn't want to go home and listen to her husband. She stated that she also wanted to commend Lt. Longrigg because he came to her house the other day and he was so polite, he listened to her husband go on and on and he was so professional and nice, she appreciated it and she was so happy that she lived in Jacinto City because there was not anybody up there that she had any complaints about and that was pretty good and she had no complaints about any other department in the city, she thought they were doing a fantastic job and they appreciated them.

Mayor Nunez stated that she would like to congratulate the young man who was a reserve, that the family had been here for a long time and she was proud that he was going to be a reserve here in Jacinto City and she knew that he was going to do a very good job.

City Manager Maner advised that the smoking ordinance was on the website if they wanted to look at the ordinance itself, it was lengthy and Lon had also prepared a frequently asked questions sheet that would be going out with the letter they had talked about and there were some of them on the table if they would like to get one. He stated that he was an advocate of this ordinance and he wanted everybody to understand it.

Mayor Nunez introduced Chris Diaz, our newly elected Constable and ask when and where he would be sworn in.

Mr. Diaz advised that he would be sworn in at midnight on December 31, 2012, probably at his house to actually get sworn in but he was going to do something more formal at the community center probably in the next couple of weeks and he would invite everybody to come out and also have his officers there and they will be participating in swearing in to make everything official so in that way everybody can come out and get congratulated and we can give everyone our thanks for helping us go in and make this a successful election and if he can help them or do anything in the Precinct 2 area that needs to be done to make it a better place, he was here for them, he had been their elected official for the past few years and he wanted to continue doing a great job for them and also his wife, Ana, was trying her best to do what she could to make this city, Jacinto City, the place where they lived and were going to continue to live until they carried them out in a pine box, a better place to live and to make sure that the citizens of Jacinto City continue to get the services they need from our city and from our county.

Mayor Nunez adjourned the meeting at 6:47 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