

COUNCIL MEETING, THURSDAY, NOVEMBER 8, 2012

The Mayor and City Council met in regular session on Thursday, November 8, 2012 at 6:00 p.m. with the following members present: Mayor Nunez, Council Members Rivas, Diaz, Lee and Garcia; City Manager Maner, City Attorney DeFoyd and City Secretary Raines. Council Member Gonzales absent due to illness.

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

A motion was made by Council Member Diaz and seconded by Council Member Garcia to approved the minutes from two previous meetings as presented. Vote: 4 For 0 Against

DEPARTMENT HEAD REPORTS:

Chief Ayala reported that they were staying busy and the holidays were upon us and cautioned everybody to be careful out there.

Chief Squyres stated that it was getting a little cooler out there and people would be using heaters so be very careful and if the cords were getting hot, there was something wrong, call them and they would be happy to come out and check it, they had crews on 24/7.

Kyle Reed, Public Works Director, advised that the job across the street in the 300 and 400 blocks was complete and they were going to do a substantial completion walk through next Friday and if anyone has any complaints to please let them know, they had done a punch list and had the contractor fix several things that people had talked to him about. He stated that they would be out of here in two weeks but the job was under warranty for two years.

Kim Bellotte, Parks and Recreation Director, advised that they had a great crowd for the pumpkin festival, that it was a great place to have it so the crowd could disperse out evenly and she had no idea how many people were there. She stated they gave out over a 1000 bags for the kids to trick or treat with but some of them might have gotten two, she didn't know. She stated that everybody enjoyed the movie and it got a little cold just like last year but the same family that made it through the movie last year made it again and they couldn't do this without the help of everyone, the volunteers, department heads, Mayor and Council, that Representative Hernandez brought her new baby out and Shelia Jackson Lee was there and it was great all the way around. She thanked everyone who helped make this a good community event. Kim advised that the city did buy that screen so we don't have to rent the screen and that would save us \$1400.00 every time we do an event and they did it all in house with no charge for the movie as we used the library's license for the movie. She stated that they had been working getting ready for the food

baskets and toys for tot. She stated that she wanted to give a shout out for her summer staff, that she knew everybody knows them as little lifeguards and you don't really realize how good these kids are. She stated that she had two fund raisers here today and they were both for lifeguards, one was selling BBQ, that she had gotten selected to go to Baylor to study in Spain this year so she was doing this to raise funds for that and the other one was still in high school and he was raising money to go to The United Nations so she just wanted to help support our lifeguards because they are more than just the bathing suit and short people.

Stephanie Orr, Jacinto City Library, advised that they were staying busy, that it seem like ever since they expanded they had been staying busy with the meeting room, the computer classes were very popular and they had a lot of other programs going on as well.

Council Member Diaz ask if they had someone who taught English.

Ms. Orr advised that was another thing they had been doing, they had been teaching ESL classes .

Council Member Diaz ask for the dates and age group.

Ms. Orr advised that it was mainly adults and was on Tuesdays, Wednesdays and Thursdays from 4:00 to 5:30 p.m..

MAYOR'S REPORT:

Mayor Nunez advised that she had been taking allergy medication and she was a little wobbly and she hadn't been hitting the bottle, it was just her allergy medicine but the first thing she wanted to do was congratulate our Constable elect Chris Diaz and family and she would like to acknowledge former Council Member Clyde Ochoa and she was glad to see that he was back on his feet and she acknowledged all the committee members present. She stated that if she started feeling a little wobbly, she might ask the Mayor Pro Tem to close the meeting.

CITY MANAGER'S REPORT:

City Manager Maner advised that everything was good but he did want to say happy Veterans Day to our Veterans, that we appreciated all of them and thank them for their service.

The was no Unfinished Budiness.

NEW BUSINESS:

Mayor Nunez advised that we had no city business at all

1. Larry Schion, 506 Hare Cook Rd., stated that he stood up here and spoke several months ago and he had all the documents of the different times he spoke and most of it was about a fence and stuff and he sat up here because he thought he knew where it was going and it did end up that way so he ask council, he ask the police and everybody to try to get involved and help the lady get her fence fixed and it didn't turn out very well and that was the reason that he said what he said before because he saw where it was going before it got there and the guy was just really terrible to get along with, you couldn't get along with him no matter what and people went to court on this fence and he went just because he wanted to hear what they had to say and the people that filed it didn't even get to speak, the Judge or nobody really listened to what they had to say so they are still kinda furious, nobody wants to listen to what they have to say about what is going on around their houses and that includes the police department, the city council and the Judge. He stated that when he was over there working his son got put in jail and he came and he subpoenaed the Mayor and the City Council and it came up that Mr. DeFoyd sent him a letter saying that he was going to quash it and he did and he was there and his son was there so he talked about it and they went ahead and quashed it. Mr. Schion stated that he had told the lawyers that was what was going to happen and they ask him how he knew and he advised him that he just knew, so anyhow it turned out that way but that was ok because the documents that he had here were the minutes where he had talked and asked and so it would be a jury trial and if the jury ask about these people they would be told that they were subpoenaed but Mr. DeFoyd thought it wasn't a big deal for you'll to come but what he was going to ask them though was that he would like for them to be there anyhow even though he said it was not ok. He stated that he was reading through here where he was speaking and Mr. DeFoyd got kind of heated with him at one time and there was one particular thing that stood out here and he would like to read that and that was pretty much what he had to say tonight. Mr. Schion stated it said "City Attorney advised Larry that he wasn't going to comment on" or whatever (there was some confusion on what he was reading and he went on to read "and he was not going to let them. Mr. Schion stated that was what he had been fighting for, that little word right there, I'm not going to let them. Mr. Schion stated that he helped some of them get up there and he still thought they did a great job but for 40 years he had been fighting, not for the work you'll let them, they were the city council, people voted for them to make decisions, let them make their own decisions and if he has to defend them, it is still their decision not Mr. DeFoyds, and he had been fighting on this night after night for 40 years and he had ask everyone that he had helped to be their own person and when people have something for

you to do and he had even ask Ms. Mayor that 12 or 15 years ago when she first got started, it had been a long time and he didn't remember but she had done her job well. He stated that one of her promises was, she was her own person, she helped the people and she had done a very good job and he would like for them to all show up because they might still be asked but if not that was fine too because he had the documents and he would probably end up just getting a lawyer to say you know what, they chose not to come under Mr. DeFoyd's advice and they knew this problem was still going on and still giving people problems and nobody seems to do anything about it, it was still here and it still exists. He stated he hadn't been back since his son had been arrested because after it goes to court he will go back and like he had said before, in 30 years of business he had never had to have law enforcement at a gate or property to uphold the law, most neighbors are just not like that but like he said, he did have much much document here of where he spoke in the minutes and he would be using this because he did tell them and he did warn them and like he said, it was not threatening or anything it was just if you were ask something, he would like for council to be able to say you know what, you did say that and that was all. Mr. Schion stated that Mr. DeFoyd wrote in the letter that it wasn't nothing but a way to damage them and that was absolutely a lie, he liked everyone of them up there and he hadn't ever tried to do anything intentionally to damage them and he wanted to make that clear to them and make that clear to DeFoyd, but he could tell them this, he gives thousands of dollars to this city for the 40 years that he has lived here and the last council meeting they hit him up for \$250.00 and what he would like to know is how much did Mr. DeFoyd give. Mr. Schion said he was just a citizen and he gave thousands, he works here and makes thousands, how much does he give to charities and stuff. Mr. Schion stated that it kinda make him mad when he jumps up or he talks against people for what they want, it was a big deal, he didn't think asking you'll was a big deal at all because you'll knew him and knew the truth that he came up here and asked and that was all he wanted them to say, he didn't think that would have hurt them because this documentation proved that he had already ask that to them. Mr. Schion stated that he did not like the kind of stuff he send off and as a city attorney he knew that it takes three to hire and four to fire and you know he has big problems in Galena Park with things that are going on there, much more major than here for right now and it might be time that people start looking for a new city attorney and he knows that it takes four to fire and it would be a big job but it could take place, it could happen, you might have to replace three people, it might take a long time.

COMMENTS FROM THE PUBLIC:

Donna Dailey, 1701 Chazen, stated that since Cindy wasn't here, she wanted to thank them from Heritage Hall for all of the volunteering and helping them, that everyone up there at that table had been more than generous and they really appreciate it. She stated that they

did have the pumpkin fest on Saturday and it was so cold but working with AARP and Heritage Hall they both did very well. She stated that this past week, they had a senior pass out at Heritage Hall and she would like to thank the fire department for being Johnny on the spot and doing everything that was needed. She stated that sometimes when people call in and they are excited, they forget phone numbers so when they say it is Heritage Hall and want a phone number so they had a little problem with that because they couldn't remember the phone number there, they just knew get someone down to Heritage Hall and Mr. Lon Squyres was called directly and everything was taken care of immediately and they really appreciate that. She stated that their breakfasts were not all paid up yet but they have been promised completely through the year December 2013 and they would like to thank all of them for that as well as the citizens and businesses in Jacinto City.

Nancy Gosney, 1726 Belin, advised Mr. Rivas that she really loved the decorations he and his wife put out every year for Halloween and Halloween was great this year that she ran out of candy and the kids costumes were phenomenal and they had a really good time in Jacinto Oaks. She congratulated Ms. Diaz and her husband and may he serve us well, it was really a strange election but they got it done as usual. Ms. Gosney stated that regarding Mr. Schion, that we all wanted protocol right, she thought she had talked to everyone of the council about protocol, please give him his day in court, please quit postponing it, put him in court, put him with a cop, whatever it takes, get this over with, he would not be on the agenda tonight if he had already had his court date, whether it takes the cop or whoever is involved or whatever, have the court date and get it done and she didn't think Mr. Schion would be on the agenda, this was just an ongoing issue here. She stated it would be nice to just have city business whether it takes the chief to get up, Mr. Walker back there or whatever the situation is, put it in court and be done with it.

Mayor Nunez advised that he had a trial by jury date.

City Attorney DeFoyd advised that his son did.

Ms. Gosney stated let's get this over with, no more postponing, lets move forward and she promised them Mr. Schion would not be back on this agenda because this was the only thing he wakes up everyday thinking about and this has gone on for too long and she thinks that, as the council and mayor, they were the liaison for these people see to it that this court date does go through and lets be done with it whether it the cops fault or his sons fault because he is not going to be here anymore if that were to happen. She stated that other than that, they were doing a great job, she liked our police department, she liked what all the department heads are doing and Mr. Reed is doing fine with our sewer system

and everything is checked out ok and she really liked everything they were doing for the city.

Mr. Reed stated that he forgot to let them know in his report that in two week to a month they would be getting a report from the TCEQ on how good our system is operating from the storm water management prospective and they would be having the whole public works facility inspected and so far everything was wonderful.

Mayor Nunez stated she was very glad to hear that.

Larry Schion stated that Chris Diaz won by 12,500 votes and that was a big statement.

Robert Hernandez, 10245 Chadwick, commended Ms. Gosney on her choice of wardrobe tonight and stated that he wanted to compliment public works and Kyle, that he was making a late run the other night and over on Baca and Oswego there was a water leak and they were out there working on it at about 8:30 or 9:00 p.m. and that sets a great example for the city and we were well taken care of.

Mayor Nunez ask Constable Elect Chris Diaz to please stand to be acknowledged and ask him to please say a few words from the podium.

Constable Elect Diaz stated that first of all, he was sorry for barging in on this council meeting, he knew they were discussing city business as always and it was an honor to be here and he would like to congratulate everybody on the fine job they were doing and of course he would like to thank everybody for this past election season that we went through, it was ruff and he would like to thank everybody for their support, all his constituents, that had been supporting him for years, it was ruff and he couldn't do it without them but again it had been great and we were going to continue to do a great job as your representative and your constable for the next term. He thanked everyone very much and wished them a good night.

Dale Pollock, 10325 S. Oswego, stated that he didn't know if they were aware of this but on the street of Kilroy and Wiggins there was a pot hole, he hadn't got a chance to let Kim know but it was like in the middle of the street, that he rides the bus every morning and the driver has to stop and go around it and also there was kids playing soccer on the tennis courts and he really didn't know who to turn to because at the time Kim wasn't available at the gym so he came to them and he keeps telling them where the soccer goal is.

Mayor Nunez ask Dale if he had talked to Mr. Reed about the pot holes, he was in charge of public works and Dale stated that he would after the meeting. Mayor Nunez advised

him that as far as the soccer, she is sure that Kim has some staff available to take concerns or contact the police department.

Council Member Rivas ask Kim if we had any signs at the tennis courts advising them that they could not pay soccer there and was advised there were big signs. Mr. Rivas thanked everyone that had wished him a happy birthday, it was wonderful, that they even sang to him and he had never had that kind of turn out before and later on he found out it wasn't for him, it just so happened something else was going on that night.

Council Member Diaz stated that she did want to thank, like Chris said, all the volunteers for the support they had in the city and they really worked hard and she was going to say it the way Gary Freeman one time phrased it "we went through hell for this election", she was sorry to use that word and they couldn't have done it without all their support and she thanked them very much.

Council Member Diaz advised that they registered for their food baskets yesterday and they did 100 food baskets and she hadn't counted the kids on the toys yet but they had a good crowd and everything went well and later on they would be looking for volunteers and she got a call that Mr. JJ Rivas was going to help them with their Christmas float so that might have a different float for Toys For Tots this year.

Mr. Rivas advised that he would need some help with the painting.

Council Member Lee stated that stated that he would just like to say how proud he was of everybody and the town, that his wife and him relocated out here 16 years ago and they were impressed with the fact that we had Christmas lights on the streets and Santa on the Fire Truck and just some great traditions and they were still thrilled about that, he loved this town, appreciated this great council and was really proud of the Diaz Family and was happy and excited about the fact that we have our Precinct 2 Constable right here among us and he won that election with hard work, he didn't result to negative campaigning or mudslinging , unlike some other folks and he was just real proud to know him and congratulations to him and would like to say how proud he was of Mr. DeFoyd and the job he does, that one day he might retire and he was going to leave some big shoes to fill.

Council Member Garcia stated she would like to thank every department, that every time there was a call coming in from a resident wanting some help they were always there and she wanted to thank them for their hard work and also congratulations to the Diaz Family, that was the glory of God above them, you couldn't have done it without him and also God Bless America, that because of our veterans that went out there and fought we have the freedom that we have today, if it wasn't for their courage, we wouldn't have what we have today so let us not forget everyone of those who have fought for our country.

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Mayor Nunez advised that Council Member Gonzales was out ill with the flu, let us remember him and hope that he is well soon.

Mayor Nunez stated that a lot of them didn't know that she had a husband, he was on vacation and she thanked Felix for being here tonight and ask that he stand up. She stated that he had been her Guardian Angel during her sickness, that she couldn't have done without him and she loved him, bless him and thanked him so much for taking care of her.

Mayor Nunez adjourned the meeting at 6:30 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 printed name and title.

Joyce Raines
City Secretary