

**PUBLIC HEARING, THURSDAY, SEPTEMBER 27, 2012, 5:30 P.M.**

The Mayor and City Council met in Special Session on Thursday, September 27, 2012 at 5:30 p.m. for a Public Hearing on the proposed budget for FY 2012/2013 with the following members present: Mayor Nunez, Council Members Diaz, Lee and Gonzales: City Manager Maner, City Attorney DeFoyd and City Secretary Raines. Council Member Rivas and Council Member Garcia absent.

City Manager Maner stated this was the second public hearing on the proposed budget for Fiscal Year 2012/2013 and he would like to make a few preliminary remarks for the members of the public that was here tonight before he went over the budget summary. He stated that basically he wanted to tell the public and the Mayor and Council that the budget that was presented here was a balanced budget and secondly there would be no city layoff but it was a tight budget, that everybody knew what condition the economy was in as a whole. He stated that this was basically a status quo budget where we were going to maintain what we have and hopefully things will get a little better next year. He stated that it did include three things which he thought were worth mentioning, No. 1, it included a 2% increase for all city employees, No. 2, a new bus for our seniors and No. 3, in the Parks and Recreation Department a Wilke Park Rehabilitation project in the amount of \$73,000.00 and the primary portion of that would be spend on new restrooms at Wilke Park, which were long overdue.

City Manager Maner went over the Budget Summary which gave the total budget for the city and each department and that after this, he and the Mayor and Council would be available for any question that anyone might have.

He stated that the projected income for the next fiscal year for the General Fund was \$5,361,610.00 with projected expenditures of \$5,329,570.00 leaving income less expenditures at \$32,040.00.

He stated that the projected income for the Water Fund for the next fiscal year was \$2,788,140.00 with projected expenditures of \$2,783,990 leaving income less expenditures of \$4,150.00 which is a very slim margin in a budget of almost \$3,000,000.00.

He advised this was the proposed budget for the upcoming fiscal year of 2012/2013 and they would be open for any question anyone might have.

Council Member Diaz commended Mr. Maner on a good job with the budget.

A motion was made by Council Member Diaz and seconded by Council Member Gonzales to adjourn the Public Hearing at 5:50 p.m.. Vote: 3 For 0 Against

**COUNCIL MEETING, THURSDAY, SEPTEMBER 27, 2012, 6:00 P.M**

The Mayor and City Council met in regular session on Thursday, September 27, 2012 at 6:00 p.m. with the following members present: Mayor Nunez, Council Members Rivas, Diaz, Lee and Gonzales; City Manager Maner, City Attorney DeFoyd and City Secretary Raines. Council Member Garcia absent.

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

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

**DEPARTMENT HEAD REPORTS:**

Chief Ayala reminded everyone of National Night Out, October 2<sup>nd</sup>, from 6:00 p.m. to 9:00 p.m. and there would be one location on Verano, Ms. Garcia, that would be from 5:30 p.m. until 8:00 p.m. and to please come out and meet and greet your neighbors.

Mayor Nunez ask if there had been any crimes committed in the city lately.

Chief Ayala advised there was nothing major at this time, that we did have another scam on Fairfax, they did get the suspect identified and as they investigated the case, it turned out to be an acquaintance of a family member and they did not want to prosecute so they had to close the case but Officer Licona and Officer Becker did a tremendous job.

Chief Squyres stated they had been very busy, that apparently flu season was hitting hard already, or something, that the ambulance was on the road constantly. Lon reported that they had started tearing down the dangerous building today, one was on the ground and the other one was scheduled for tomorrow. He advised that if they would like to see the list for block parties, it was on the website under upcoming events.

Kyle Reed, Public Works Director, reported that they were going to continue to spray for mosquitoes and Harris County was helping them out and if the mosquitoes were bad in your area, you needed to call City Hall or Public Works and make a formal complaint, that we need it for Harris County if they come out to audit us for mosquito spraying. He advised that this morning at 4:30 a.m. we had a water line that blew and it was a pretty bad leak, that they ended up lowering pressure this morning and fixed it but there was a valve that broke on Market street that is going to have to be replaced and they were trying to locate the parts now and if they can locate it, they are going to do it Sunday night,

hopefully they won't have to shut the water completely down but they would have to lower the pressure but by 11:00 p.m. on Sunday night most people would probably be asleep and the valve was going to have to be replaced to complete the jobs they were doing in the 300 and 400 blocks on the South side of the tracks.

Kim Bellotte, Parks and Recreation Director, stated that they were getting ready to help with the National Night Out and also starting to prepare for the Pumpkin Fest which would be October 27, 2012 and they would have an outdoor movie and festival and would be asking area business and non-profit organizations if they would like to participate with booths or games as we have done for the past several years and it would be on the big boys field starting at 5:00 p.m. and the movie would start at sundown. She advised that preschool was going great, that they had only two spots open in the three year old class.

Cindy Miller, Heritage Hall Director, announced that they had elections on Wednesday for their Site Council and Frank Haney was going to be their President starting October 1<sup>st</sup>. She stated that their October calendar was full, they were having a Halloween Party and looking at having a Halloween Dance maybe so come by and visit, they always have coffee.

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

Mayor Nunez advised that today, she was honored to be the Master of Ceremony for Commissioner Morman's Hispanic Heritage Breakfast in Pasadena. She stated there was at least 300 people in attendance and Commissioner Morman assured her that he would continue working very closely with us here in Jacinto City and that we could always call him and let him know what we need and that our sidewalk project the County was doing for us on Holland should start next month so we are very thankful that he is there and keeps assuring us that he is there to help us and that is one big plus for Jacinto city.

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

City Manager Maner stated that he always says everything is going well and it is and please let us know if it is not. He stated that he would like to mention that the Gateway Projects at Mercury and Holland were virtually complete except for a few minor things, they were redesigned and a new contractor was engaged to do them and we very happy with that.

Mayor Nunez introduced the Manager from Big Bass, Mr. Childress, Mr. Lee Hernandez , Mr. Berry and Mr. Morlock from one of our committees and Detectives Walker and Silva.

#### **UNFINISHED BUSINESS:**

1. A motion was made by Council Member Gonzales and seconded by Council

Diaz to approve Ordinance 2012-4 Adopting a Budget for FY 2012/2013 on the second and final reading. Vote: 4 For 0 Against

**NEW BUSINESS:**

1. A motion was made by Council Member Diaz and seconded by Council Member Lee to Approve Resolution No. 2012-9R setting the tax rate for 2012 at 0.766120 per \$100.00 valuation. Vote: 4 For 0 Against

City Manager Maner explained that this tax rate was called the effective tax rate and this was the rate that would generate the same income on the same property as last year and actually, the rate itself was a slight reduction, that last year was 0.79 and this year it is 0.76 and he just wanted to be sure the public understood what that was.

2. Chief Ayala explained stating they needed the server which was a new domain controller and what they were going to do was reinstall applications on the new server and move all the information from the old server to the new one and explained what all the server would hold, all the records from the police department and also included an APC surge protector and he was recommending that we get this server because it was very important.

A motion was made by Council Member Rivas and seconded by Council Member Gonzales to approve the budget amendment of \$10,355.00 for the purchase of a T320 Tower Server upgrade for the Police Department. Vote: 4 For 0 Against

3. A motion was made by Council Member Lee and seconded by Council Member Rivas to approve amending over expenditures in the FY 2011/2012 Fire Department budget codes 14-6703 for \$3,853.83, 14-6739 for \$234.00, 14-6803 for \$1,016.46 and 14-6860 for \$954.38. Vote: 4 For 0 Against

Mayor Nunez ask Chief Squyres to explain the \$3,853.83 because she thought we were going to get our money back.

Chief Squyres stated that she was correct, that actually why they were asking for \$3,853.83 more from the council was that this particular budget code represented what we pay the collection agency that bills insurance, etc., so the reason that number is higher was because they were paid on a percentage of what they collect and they had done more collections than we had anticipated so the city made more money which would offset this in revenue, he went on to explain the reason for the other items as well.

4. Mr. Jim Moore, Crosby, Texas, stated that he was a former employee, a very concerned employee for the citizens of the City of Jacinto City and he wouldn't be here tonight if he wasn't so worried about some of the things going on here on the environmental end. He stated that he didn't know if any of them knew about the citations that were sent down from the TCEQ to the city but there was one major one that had to do with the dumping into the Harris control body where the water is out there and the reason he was bringing this up was because Stacy had been working out there several times with him, he had been working with her about the violation going in there which was dumping sewer into the bayou, Harris County's flood control one, (Council Member Lee ask Mr. Moore what was the name of the person he was referring to) and Mr. Moore replied Stacey with TCEQ that he had been working with her and they were out here back around the 17<sup>th</sup> and they were doing some testing out there and the Director from Public Works came up and kinda made a fool of himself but anyway he just shook it off and told them that he would come back later. He stated that they ran some samples that same day and when they got through, the samples came back positive he was sure, the City Manager knows but of course none of the rest of them knew but his concern was the citizens, the children. He stated that they fixed the problem going into the bayou, they plugged it which was good because now you wouldn't have the raw sewage going into the Harris County Flood Control and into the bay. He stated that the bad thing was that once they plugged it and he would have to go back in time because the City Manager had problems along with everybody else over there with sewer backing up in their houses and that was before they got a grant to come down, which was a 7.25 million dollar grant, to put new lines in the city. He stated that he couldn't say for sure what size line and don't really care at this point, that was up to them to find out but most likely there was a 12" line instead of a 17" and 18". He stated that he did have blue prints on it, he did have them which for some reason, the environmental officers who were checking never got any so they could check it out because public works didn't have any but there was one person that they did have that was over the project for the director which was an hourly supervisor, he was over the project the whole time so he knows exactly what is in that line and what has been plugged and everything. He stated that on the 17<sup>th</sup> here about, that same supervisor was riding around with another man in a city truck and they plugged a line over on Lane and Mercury at the lift station and not only that, they went down to another line over on the Akron easement and they plugged and the only reason they couldn't get a sample out of that one was because that one itself has to fill up with rainwater of something to help push it over to this other 12" line going to the storm drain of Harris County and that one is also plugged and who told him that was the environmental officers and he told them that he didn't doubt that because he saw it, he had pictures of it, he had pictures of everything. He stated that he had nobody up here that really wanted to help him and support him in the city for the violations that were

going for the citizens with the kids out here playing in sewer from backups, contaminating the ground, he stated somebody had to help because it was going to get worse, what was going to happen being they plugged they also put in some backflow preventers all the way down Lane and what that does now that you have got whatever in there the water can't get out, the only thing it can do is back up into the home starting at Palestine. He stated that he brought a little diagram just to show them how bad it was going to be and he estimated that 25% of the city was going to be affected by this. He stated that he had talked to a lady over on Flaxman, who spoke no English, and she got her son because it had rained, he was going to give them some pictures so they could do the research themselves to see where it was coming from because they couldn't keep putting all their eggs in one basket with him but anyway he went back to say that the son told him that after it rained and they went to flush the toilet, black stuff just went round and round. He stated they won't flush because the lines are full and that was with just a little rain, what would happen if it was a big rain, that it would come up in the homes, etc. because now you had no escape for it, there was no bypass lines. He stated that he was going to give them some pictures and he was going to talk about them that this was the day that Stacy came out and some were where you could see the sewer coming out of the storm drain and now they plugged the line and the pictures were before they plugged the line and now he wanted to show them what happened once they plugged line and this was what was going to happen to all the citizens in this area, sewer coming out into the streets, etc. because they had a force main down there forcing it on out and up all the way to the tracks. (Mayor Nunez advised Mr. Moore that he had one minute) Mr. Moore stated that he didn't have enough time and went on to explain the pictures, stating that was what was going to start coming up into the houses, etc. and we were going to have diseases, he stated that he had more than that, that was just a start, he was telling them there was no way we could have kids in this city running around and later in life have something come up that you could trace back to this city. He stated that he had to say this to Mr. Maner, that with his health the way it was, he couldn't afford for it to back up in there.

Mayor Nunez advised Mr. Moore his time was up unless Council wanted to allow him more time.

Council Member Gonzales stated that he thought they had the message.

Mayor Nunez thanked Mr. Moore for bringing these concerns to the council.

#### COMMENTS FROM MEMBERS OF THE PUBLIC:

Donna Dailey, 1701 Chazen, stated that everything Jim was saying was interesting but maybe we needed to investigate how he had blue prints when the city didn't. She thanked Jack and the city departments for all they do, stating that she appreciated it.

Mr. Jose Ramon, 10811 Munn, stated that basically what Mr. Jim was talking about was the poop coming out of our sewer and that deserved more time and advised Mr. Mario that he didn't think they heard enough, that when people were talking trash about his personal life, they gave them more time because they were Jack's friends because that was Donna Dailey, the mother-in-law of the councilman over there. He stated that this was kind of important, all of the kids play there and he saw pictures of condoms floating around and kids playing around. Councilman Rivas advised Mr. Ramon that he didn't understand him and ask him to repeat what he said and Mr. Ramon repeated what he had said about people talking trash about his personal life and the council would extend their time so they could talk trash and right now it was something about out city, sewer coming out of our lines and they didn't give this guy another minute or two so we can listen to what is going on in the city. He stated that Donna was right, why didn't we have any blue prints, maybe it was that somebody wanted to get rid of the evidences so they wouldn't have any evidence against them in the future. He stated those were grants, the job was performed by grants from the Federal Government, maybe if they found out somebody was taking money out of there and misusing it, we don't get any more grants, they needed to investigate, it was their job. He went on to discuss the sewer problems that he had personally seen. (Mayor Nunez advised him that he had one minute) He stated this should be looked into by City Council and Mayor and she should know about it because she had been here for twelve years he ask about who was the person in charge of that department six year ago and advised Mario that he was going to follow up on it, he was going to call the federal agencies that were in charge and Ms. Diaz thought it was funny and he didn't think it was funny. He was advised that six years ago Ms. May Smith would have been in that position.

Council Member Gonzales ask to comment on Mr. Ramon's statement, advising him that the reason he didn't allow Mr. Moore to go on was because, if he had been here last council meeting and before that, it was the same thing over and over, we already know the issue and believe him they were not ignoring it, they were taking care of it because it was a big concern, people's health.

Mr. Ramon stated yes it was a big concern for everybody and if what he was saying was true, it was going to be a huge expense/liability for the city and he hoped that half of what he was saying was not the truth.

Council Member Gonzales stated that he was aware of this because he worked for a chemical plant and they had the same issues with TECQ whenever they have rains like that, they end up going to the river with things they don't want and they pay their fines but that is not the issue, they don't need to be paying fines, what we do, we try to

eliminate the problem. Mr. Ramon stated that he went out and saw a 4" pipe going into the drainage so it was not like an accidental overflow. Councilman Gonzales stated that due to the heavy rain, nobody could see that coming, the thing is, it wasn't taken care of. Mr. Ramon said if it was intention done and somebody was concealing it to everybody, that was like a crime. Councilman Gonzales stated that we would let the people dealing with that determine if it was a crime or not, as a council, that was not our job.

Council Member Diaz advised Mr. Ramon that she was not laughing at Jim, there was something going on over here and it had nothing to do with Jim.

Mr. Ramon stated he was sorry, he thought she was participating in the meeting.

Council Member Diaz assured him that she did participate.

Mr. Ramon continued to comment on the matter.

Jim Moore, Crosby Texas, stated that to answer the question about how he got the blue prints, it was common knowledge that you could go down to Harris County and get anything you need. He stated that to answer their question, he didn't care if it was a dry day the lift station still pumped and if it rains, they were really going to get it and he was concerned. Mr. Moore went over the same thing that he had previously said about sewage in homes, etc., and it was not going away unless they got on the ball and started doing something. He stated that he told the City Manager when he was terminating him that the public works man was dirty, he had the opportunity, at that time, to do something and he said he would deal with it later. He stated that another question he ask him was when the director hired on, he lied on his application and the retired city manager wanted to fire him and Mike said we would just wait and when Jack came in, we would move him back up so Mike talked to them and got them to just move him to superintendent of Water and when Jack came on board, he put him back up as director and he said that he didn't recall it and that was just the way it happened and that just went to show that it started on a bad foot with Mr. Public Works Director, he could talk some stuff but it was catching up with him because he couldn't keep covering it all up.

Mr. Raul Rodriguez, 1410 Jennifer, advised that LULAC would be having their BBQ scholarship fund raising event on October 6<sup>th</sup> at the American Legion Hall on Challenger 7. He stated that they had provided over \$65,000.00 in scholarships todate and would appreciate any donation for this event. He ask if they would be able to put a sign on the Ball park fence at Mercury and Challenger 7 on the day of the event and was advised they could.

Mr. Lee Hernandez stated that he was from City of South Houston, was a former councilman for four year and a 20 year law enforcement officer and obviously a former candidate for Harris County Constable Pct. 2. He stated that he knew they had a lot going on and having been on council himself, he knew it could be tough at time, that he wanted to thank the Council and the Mayor and he thinks Jacinto city is doing the best they can with all their resources. He stated he was also on the EDC Board in the City of South Houston and they used a lot of their money to repair sewer lines and he didn't know if Jacinto City had an EDC but they were good. He stated that he did want them to participate in the next general election which was coming up, it was very important that we participate no matter what party and obviously he was a democrat, to vote the way they chose and not let anyone intimidate them, it was reported in South Houston that private investigators were coming to your house, you tell them to leave and if they don't you call the police, your vote is your vote, we take it seriously. He encouraged everyone to go out and vote and if it was up to him, vote democrat, obviously Christopher Diaz was running for constable and he was united behind him, that he had made some promises to change stuff, to get some good law enforcement officials around him, with some good advisers and he was going to pick up the pace and it was going to be more obvious that the constable's office was around and with that being said, go out and vote, however you want to vote but he strongly recommended that our three cities unite and get behind our democratic candidate for constable, Christopher Diaz.

Larry Schion, 506 Hare-Cooke Rd., Crosby, Texas, Mr. Schion commented on some previous conversation the he had with Mr. Ramon and that wasn't what he came to talk about but after what Mr. Ramon said, he just thought he would say that. Mr. Schion stated that if there is sewer going into in that bayou, it contaminates everything from the bayou to the port and from the port to the bay, which is a lot of contamination and the City would be held liable, most likely to clean up until there is no more there. He referred to an incident where he had sewer running into his house because another resident had tapped his sewer line into the fresh water line and he also discussed the mosquito problems this would create. He stated that with what Mr. Jim said, that if he was council, he would get Mr. Reed to dig up where Mr. Moore said there was a 12" line where there was supposed to be an 18" and if this was not true, maybe he would go away.

Council Member Lee stated that he would like to make a couple of observations, that he had ridden with Mr. Reed and looked at some of the sewer lines and looked at some of the areas where supposedly there were some problems and there are some basic facts and one of those is when you have 30" of rain in a month, things are going to flow over what they would not ordinarily do, we did have a situation like that and that happened. He stated that he recently watched a video of over flowing manholes all over the world and it was the same everywhere. He stated that he didn't understand the pipe work and the way

those things are designed and he certainly didn't understand some of the older pipe systems that were put in before anybody remembers but he did know there had been an investigation going on and people who do understand these things and people who do work for environmental organizations have looked at these things and made their decisions and the repairs have been made so he thinks it is counterproductive to go back and talk about the way things were when they have already been fixed and he thought it was ridiculous to bring those things up continuously and he thinks that if those people who are in charge of those investigations have made decisions and our public works have made those corrections according to their specifications, let's get over it, they are doing their job, they are doing a good job, he has nothing but respect for Mr. Reed, he doesn't believe that he would intentionally do something that is going to come back and bite him in the rear later.

Maria Orisorio, 10325 N. Lacrosse, stated that the reason she was here was to let them know that they went to court this week and she had a problem because her neighbor Ana and they were still talking about Mr. Jeff Harris, which was their neighbor. She stated that when they got to the Judge Ana didn't understand what Mr. Harris was telling her because Ana did not speak very fluent English and she doesn't understand and the Judge also didn't understand what she was saying so she was just curious, was there any possible way they could get a Judge on the 29<sup>th</sup>, when they have court, that is bilingual, how would they go about getting a person that is bilingual for the court because they really needed a bilingual judge, somebody who can speak both languages so they can communicate.

Mayor Nunez ask her if she was set for trial on the 29<sup>th</sup> and she advised yes.

City Manager Maner stated there was always a interpreter.

Ms. Orisorio stated that she did not want an interpreter, she wanted another judge.

Mayor Nunez advised that the Judges were set accordingly and the prosecutor to hear the case. (she ask if it was trial by Judge or trial by Jury) and was advised that it was by Judge.

Ms. Orisorio stated that was the reason she was asking how she would go about getting a bilingual judge, that we need a bilingual Judge because this man knew left and right, can't speak to the Judge because they are both Anglo and sometime they don't understand what they are saying and this week when they went, the translator was not even there, she had stepped out or she didn't know what had happened.

Mayor Nunez advised her that we did have translators and that was the best we could do for her because we only had Judge Cantu and he was an associate Judge for arraignments.

Ms. Oisorio stated that if they couldn't get nothing from here they would go to Houston and try to figure out what to do because she was fed up with this man and she was telling them she was fed up. Ms. Oisorio advised Mayor Nunez that if she had been living next to this guy she would have probably sent one of the cops already. She stated that at the court house he was making her rude faces and then we have a cop, she thought his name was Hernandez, and ask what high school level did he go to and the reason she was asking this was because when the Judge was talking to him, he didn't understand what the Judge was saying and she was right next to him and she speaks both languages very well and she understood and her other next door neighbor did so what kinds of cops do we have here, was that the kind of people we have to lean on or those the people who are going to take care of us. Ms. Oisorio stated had she ever cussed at him and he didn't understand that either.

Mayor Nunez ask if she was still talking about the officer and she stated yes and Mayor Nunez ask if the officer was the interpreter for her that day and she stated no, they didn't have an interpreter.

City Manager Maner advised Ms. Oisorio that she could see the court clerk ahead of time, not the day of court, and request a certified interpreter, certified by the State of Texas.

Ms. Oisorio stated that was what she wanted to know, where did they go. Mr. Maner advised she should go to city hall and see the court clerk at her office there and request a certified translator.

Ms. Oisorio stated that if nothing would get done, she was fed up already and she was about to call Channel 13, 48 and 45 and something would be getting done because enough was enough and she had been trying to be patient, that Channel 47 knew what happened on that day so if they wanted her to go open the book and nobody helped her here she would get Trevino over here too because she was fed up, we live in a community where we have to take care of each other and we can't even get a cop to take care of us because he doesn't understand what we are saying, come on, where do we live, that she paid taxes just like everybody else, etc..

Council Member Lee ask Ms. Oisorio if the problem was the officer didn't understand English or he didn't understand Spanish or her problem with the Judge was that he didn't understand Spanish but she speaks English fluently.

Ms. Oisorio stated it was a problem with the officer because, come on, the officer should know fluent Spanish and English since he is an officer and he speaks Spanish but when he

got to English he didn't understand what he was saying and that was a Judge, that was terrible.

Council Member Diaz advised to do as Mr. Maner said and go to city hall and request a Certified Translator.

Ms. Osisorio stated that she would, enough was enough , even at court they were going to have to go through that, it was a shame.

Mayor Nunez cautioned her to be sure that she came in plenty of time to talk to the court clerk and she said she would go tomorrow and if they didn't help her, she would go to Houston. She stated that if nobody did anything, Channel 13 would be there on the 29<sup>th</sup>.

Mayor Nunez advised her that she had been before them previously with the same problem with this gentleman and we had tried to resolve it.

Ms. Osisorio stated she understood that but if it had been her, she would have done something about it.

Mayor Nunez again advised her to see the court clerk and ask for a certified interpreter and that way she would be satisfied knowing that.

Ms. Osisorio stated that they send a lot of videos to Chief Ayala and to Silva and the Judge ask them to get those videos from them because he wants to see them so we will get those videos no matter what, enough is enough, this guy had gotten out of control.

Mr. Schion made comments from the audience.

Council Member Rivas announced that October 4<sup>th</sup> would be his 15<sup>th</sup> anniversary and he was a very lucky man and thanked his wife.

Mayor Nunez reminded everyone to remember that next Tuesday was National Night Out and we had ten block parties scheduled to come out, meet your neighbors and enjoy.

Mayor Nunez adjourned the meeting at 7:00 p.m..

Respectfully submitted,



Joyce Raines, City Secretary