

COUNCIL MEETING, THURSDAY, JULY 26, 2012, 6:00 P.M.

The Mayor and City Council met in regular session on Thursday, July 26, 2012 at 6:00 p.m. with the following members present: Mayor Nunez, Council Members Rivas, Diaz, Lee, Garcia and Gonzales; City Manager Maner out due to illness (Public Works Director Kyle Reed sitting in for Mr. Maner), City Attorney DeFoyd and City Secretary Raines.

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

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

Mayor Nunez advised that Chief Ayala's brother passed away and he was with the family and they were having a service tonight and ask that everyone remember him in their Prayers.

Mayor Nunez ask Detective Walker if he had a report from the Police Department.

Detective Walker stated that he just wanted to let them know that the officers were working hard out there on the streets and thanked the citizens for being their eyes and ears out there on the street and reporting any suspicious activity.

Mayor Nunez advised that our Fire Chief Lon Squyres was in Maryland and it was mandatory that he take this class and we support him and she knew that knowing that Jack was sick, he would have come back but it was impossible because he did need to be in class and she thinks Council, our City Secretary and Department Heads would handle it.

Mayor Nunez ask for Kim Bellotts report and also ask that she give us an update on Jack.

Kim Bellotte, Parks and Recreation Director, stated that Jack was doing well, that she and Kyle had a meeting with him earlier today. She stated that the complications he was having now was from a previous surgery he had that was successful, that they left a pin hole leak in his artery which caused him to have internal bleeding and they witnessed what state he was in at the special meeting. She stated that he would be fine, that he was still hurting, that he was very fortunate, a blessed man, that he never lost conscious although there were rumors going around and he was doing great but the doctors recommended that he stay in the hospital for a little while instead of coming back to work so quickly like he did after the last procedure he had and he was working on the budget at the hospital, that like she said, she and Kyle had a meeting with him at the hospital today so he is working on city business even though he just got out of ICU and he wants everybody to know that he will be back and he would be fine and he would be able to go on his Alaskan

Cruise vacation. She stated that on the recreation front, they were at the end of July now and all of the swimming programs are complete and she was guessing that around 500 children were taught how to swim this year so that was 500 lives that we possibly saved and all of our instructors and lifeguards did a great job and they had a lot of compliments and they were still continuing with some of the other fitness programs and she went over some of the activities they had planned.

Cindy Miller, Heritage Hall Director, announced that tomorrow they were having cake and ice cream.

Kyle Reed, Public Works Director, stated that first of all, he would like to say that the water line project across the street in the 300 and 400 blocks from Palestine all the way to Lane is going well and they were probably two months to completion and advised the citizens not to worry about their yards that before the contractor is paid, all repairs will be made, they were a good contractor and were doing a great job. He stated that we had a little incident that happened on Lane Street last Thursday when we had four inches of rain in about an hour, that we had some streets that got covered with water and that happens when the flood control ditch get full but we also had a sewage manhole that bypassed, that rarely happens and he didn't know who took the pictures but they sent them to the TCEQ, which was fine, we report those kind of things if we know about it but the person that took these pictures didn't call the city. He advised that if you were a citizen and you saw something like that to contact us, that we can't fix it if we don't know it and we can't report it and there was a law that you have to report these things, that he did report it but he couldn't report it until Monday. He stated that we had some blockages on a main line on Lane Street and they got that cleared and they were doing everything they could to solve those problems. He advised that another good thing that was fixing to happen was that we were going to do the pipe bursting over in the 100 and 200 blocks which had not been pipe bursted from Lane back to Palestine and that was the part of the city that lift station serves and he saw a couple of people back there that lived on Lane Street pretty close to that lift station and if they see any problems, please let him know or call the police department after hours so they can get in touch with them, that they want to take care of their problems in the water and sewer system. He advised that mosquitoes were bad and they were spraying as much as they could and Harris County was helping them, they had some problems with the mosquito fogger and he stated that his advise was to stay inside and if you have to be outside, have off, and he said off because it had the chemical deet in it and that was what you needed to protect yourself.

**MAYOR'S REPORT:**

Mayor Nunez stated that she was happy to report that we had received the executed contract on the Round 2.2 Hurricane Ike Disaster Recovery Grant in the amount of \$819,517.00 dollars for the sanitary sewer rehab and this was in addition to the 3. Plus million project that we have already received and that was what he had been talking about, so the city was really working hard to upgrade our streets and sewer system.

Mayor Nunez introduced former Council Member Jose Ramon, former Council Member Clyde Ochoa and LaGloria from Big Bass, Attorney R. J. Alexander, Detective BJ Silva, Sgt. Aguilara and Officer Ramos and Detective Walker.

#### CITY MANAGER'S REPORT:

Mr. Reed stated that as usual, the city was doing very well.

There was no Unfinished Business.

#### NEW BUSINESS:

1. City Attorney DeFoyd read Resolution 2012-8R authorizing and directing the Mayor to submit a letter to the State Comptroller in compliance with Section 2206.101 of the Texas Government Code which requires cities and other Government Entities to submit information concerning their authority to exercise the Power of Eminent Domain; and making other provisions related to the subject.

A motion was made by Council Member Rivas and seconded by Council Member Garcia to approve Resolution 2012-8R as read. Vote: 5 For 0 Against

Mayor Nunez stated the next item on the agenda was comments from the public and she would allow them three minutes, one time only and there would be no comments from the audience, that if you wish to make a comment, approach the podium and state their name and she was doing this because the sound system didn't pick up the comments when they were sitting down. She ask that they please be respectful and understand that if they made a comment from the audience and she had to gavel them twice, she would ask the officer to handle it because we have to respect each other in this council chamber.

Larry Schion, 506 Hare-Cooke Road, Crosby, Texas, stated that he had a document here dated June 28, 2012 which was the minutes from the meeting in which he spoke about his son being arrested and it was on the same day that he showed them all the papers on the man at North Lacrosse who's mane was Mr. Herman and when he made all the statements and different things on his son being arrested. Well, today, he got a law suit from Mr. Walker, that he didn't like what he said about him. Mr. Schion read the letter

from the law firm of Odem and Levin and that Odem was actually an Associate Judge here and he didn't know if they knew that or not and it was a little strange to him but his partner was called Mr. Levin which was Mr. Walker's lawyer (Mr. Schion read the letter) and stated that it was against him and his son and his son wasn't even here at that time and it didn't even apply to him that this was a scare tactic and it meant nothing more to him than a scare tactic. He stated that the letter said that he had publically accused him of being a corrupt police officer and he never said that, all of them were here, he had the document and it did not say that, that he had not said corrupt at all. He stated the letter also said that in making these statements designed to injure his client's reputation he had impaired his ability to provide financially for his family and he didn't see where anything he said had to do with how much he makes and how much they pay him, it was a false statement. He stated that the letter stated that both of them have had criminal charges filed against them and he had criminal charges filed against him and he would probably have some more before he died that he didn't let people push him and he didn't let people down talk him, that you either respected him or you would learn to respect him, that was the way he was raised. He went on to comment on other things said in the letter. He stated the letter said that it was a personal vendetta because of a lawful arrest of his son by Sgt. Walker and Mr. Schion stated it was an unlawful arrest, that he should have arrested both, his son and the other gentleman involved because they were both doing the same thing and that was the way he looked at things, they both should have gone to jail. He stated the letter said that he would cease and desist any further public comments or writings about his client immediately and he was not, he was going to continue that he had made him mad, he stated that he stopped for a whole month because people in here ask him too and it was going to get much worse, it was just beginning.

Mayor Nunez advised Mr. Schion that his time was up.

Mr. Schion ask that she let him finish just a little bit and read that from the day that he received this letter that any further such behavior on his behalf would be the basis for his client's suite against both of them for defamation of character. Mr. Schion stated that he was a public official so it kinda goes along with Ramon, you see it is only right that you do it to him when you are not following the rules. Mayor Nunez advised him that his three minutes were up.

Nancy Gosney, 1726 Belin, advised that there was still 40 minutes left in voting, to go to Galena Park City Hall and vote for Chris Diaz, Prt. 2, also 7:00 a.m. to 7:00 p.m. Friday and on Tuesday, July 31<sup>st</sup>.

Jose Ramon, 10811 Munn, stated that he had a question for the Mayor and Kim and ask if we were still breaking the law, was Kim's company still selling the chemicals to the city.

Mayor Nunez advised Mr. Ramon that she didn't do the invoices.

Mr. Ramon stated she was aware of it when he was on council and he brought it out, had she forgotten that.

Mayor Nunez stated that she would have to check on it, she was sorry but she could not answer that right now.

Mr. Ramon stated that she had been more than ten years on council, she should have took action.

Mayor Nunez stated that she was sure action was taken when it was brought to their attention.

Mr. Ramon stated he brought it up.

Mayor Nunez stated that she knew that he brought it up and did he take action.

Mr. Ramon stated that Mayor Diaz was breaking the law when his father-in-law was providing services for the city, you know that it is against the law, you ought to know that, in case you didn't know, now you do.

Mayor Nunez stated that he was also on council.

Mr. Ramon stated that he brought it up and she failed to act.

Mayor Nunez stated that she was not Mayor then.

Mr. Ramon stated no but she was on council.

Mayor Nunez stated and so was he and it takes four of us to try to eliminate or do something.

Mr. Ramon stated and she was not one of them and that meant that she was not doing anything about it and she knew about it now so....

Mayor Nunez stated that like she said, she would check into it and Ms. Raines would take his phone number or she would get back with him.

Mr. Ramon stated that she didn't have to get back with him, all she had to do was ask for the paper work.

Mayor Nunez advised Mr. Ramon that she knew how to do it.

Mr. Ramon stated that Mr. Gonzales was here when he brought it up, Carmela was in the public when he brought it up and so was Mr. Lee, he didn't think Mr. Rivas was aware of it but now he was and Ms. Diaz, she herself broke the law being they were family.

Mayor Nunez stated that let's not point fingers, let's be respectful.

Mr. Ramon stated that he was being respectful, he was asking questions that concerned his city, it was our money.

Mayor Nunez advised that it was her money too, it was all of the people's money and she had said she would look into it.

Mr. Ramon stated he was not being disrespectful in any shape or form, he was asking questions.

Mayor Nunez stated that this was the time he could come in and express his concerns and she was taking his complaint and she was taking this very seriously and thanked him for bringing it up again and she would check into it.

Mr. Ramon stated that he just wanted to end the corruption, he thought that should be a concern.

Mayor Nunez stated that she understood that but she thinks that all these council members sitting here and ones before were doing their job legally and (Mr. Ramon was speaking at the same time as Mayor Nunez and we were unable to understand what was said). Mayor Nunez stated that they all work hard and try to better the city and as they could see, we have a lot of projects going on but she takes concerns and complaints very serious just like when he calls her and complains about other things he knew that she always acted on it immediately.

Mr. Ramon stated that Tuesday was election day and to be sure to vote for Mr. Guinn, the only qualified candidate.

Mr. Raul Rodriguez, 1410 Jennifer, stated there was some people that he wanted to thank, that he was real sick on the 26<sup>th</sup> and 27<sup>th</sup>, that he almost had a heart attack and he had a couple of calls from the Jacinto City Police Department and he thanked Sgt. Walker for calling, that meant a lot to him and also B. J. Silva. He stated that his two brothers, his sister and the officers meant a lot to him, they were there for him, they called him and

there was another man that called him and he thanked him. He stated the council was good and had a good heart but when you called the police department they were there, that behind the badge was a good heart. He commended the police department for the job they do and the risk they take and he thanked them for being his friends.

Donna Dailey Stated that we must be going to have another election, the idiots were out again and she had heard a lot on the internet and it was really too bad that we can't work together, it seems like our city was working really well that she just hated to see elections come because it seems like it brings everybody out and what she was up here for was to praise the city, she thinks we have a good police department and she knew we had a really fantastic Heritage Hall and also our swimming department, they did the un-believe able, her four year old grandson was a hand full and they taught him how to swim this year and he was even good enough to put on the swim team so that program was doing a really good job and she commended the volunteers that handled this program. She stated that our city might have problems but that was because we had people in our city and sometimes people just present problems but she couldn't think of any place that she felt safer in or want to live than Jacinto City and she wanted to say to everyone sitting up there in front of her that she thinks they are doing a wonderful job and she appreciated all of them.

Council Member Garcia advised that some of them got a bag earlier that was a gift from TCEQ; they had a presenter back at the beginning of July that came all the way from Austin to hand out a bunch of material for our residents to stay informed so any of them that did not get a bag, there was plenty of them back there and a lot of educational materials so please take it home and read the material. She stated that today they had an operation Lifesaver come out and educate our kids and adults on railroad safety and presented a bunch of good videos for the kids and adults. She advised that there were still courses going on as Kim mentioned earlier that they had Trees for Houston coming out , the Girls Scouts doing some planting out here and the Fitness for Kids are going to work on the planters at the swimming pool. She stated that if you knew any high school students or fresh out of high school and would like to go to college, they were going to have an immigration speaker come out and explain the process on the law that is coming out on August 2<sup>nd</sup>. The Dream Act, and she will be presenting the new law and what all the process involves to get those youngsters in college. She stated that on July 30 and July 31<sup>st</sup> they had the 2 day tree plant and they needed volunteers and there was also a youngster council called The Yak so if you would like any 11<sup>th</sup> or 12<sup>th</sup> grader to become a miniature version of the council, they were about to start Yak and they could apply at the gym.

Council Member Rivas stated that if they didn't attend the Dive in Movie they missed out, it was neat and a lot of fun and a great movies and they needed to try to make the next one on August 10<sup>th</sup> and he loved where he lived.

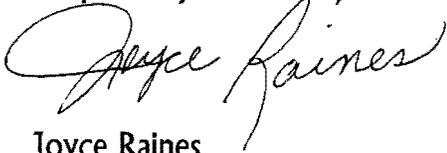
Council Member Diaz encourage everyone to get out and vote that tomorrow was the last day of early voting from 7:00 a.m. to 7:00 p.m. and election day was Tuesday from 7:00 to 7:00 and to please go out and vote for Chris Diaz.

Council Member Gonzales stated that he would just like to comment on what Mr. Rodriguez said about our police department, they were sworn to protect and serve us and he thinks they do that. He stated that he knew there were some incidents that we were not going to be happy with but we would work through those and like he said, they do their part.

Council Member Lee stated that he agreed with Council Member Gonzales and that we also had a fine fire department.

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 dark ink and is positioned to the right of the typed name.

Joyce Raines  
City Secretary