

COUNCIL MEETING, THURSDAY, JULY 12, 2012, 6:00 P.M.

The Mayor and City Council met in regular session on Thursday, July 12, 2012 at 6:00 p.m. with the following members present: Mayor Nunez, Council Members Rivas, Lee and Garcia; City Manger Maner, City Attorney DeFoyd and City Secretary Raines. Council Member Diaz arrived after roll call and Council Member Gonzales absent due to vacation.

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

A motion was made by Council Member Lee and seconded by Council Member Garcia to approve the minutes as presented: Vote 3 For 0 Against

Mayor Nunez ask for reports from the Department Heads.

Chief Ayala stated that he wanted to mention National Night Out and if anyone plan to host a party please get with him. He stated that he had other comments but he would save those for later.

Chief Squyres stated that they were glad that the heat was a little less than it was, that they were having a lot of call specially with the elderly and if we do go through those periods, we have to be extremely careful between the falls, cardiac and the respiratory problems with the heat. He stated that had a visit yesterday at Big Bass which they would talk about in the Mayor's Report.

Kyle Reed, Public Works Director, stated that he would just like to mentions the projects they have going on, the water project and water plant and sewer plant were going great but now we are getting some much needed rain, he was ready for it to stop but he had no control over that and we have had about 8" here in JC since Saturday. He stated that the mosquitoes were going to be back out and if it didn't rain, they would be spraying through the weekend.

Chief Ssqyres stated they needed to thank all the other departments, they had a great fire works show and a lot of people credit the fire department with that and it was not just the fire department, that Kyle's guys worked very hard on that and it was truly a team effort and they couldn't believe the size of the crowd that came out on both sides of the levee.

Mayor Nunez stated that everybody was so happy, they thought they were beautiful and she had such a hard time pressing those buttons.

Kim Bellotte, Parks and Recreation Director, advised that 4th of July was great, they had a great bicycle parade, they actually started the parade with about 25 riders and ended up the parade with about 35 or 40 and she thanked the Mayor for coming out and heading up the parade and also the council members who participated. She stated that the

swimming pool party went well for about an hour or two, and then like every 4th of July, we had our afternoon rain shower so they were going to continue the party July 20th with their second Dive In Movie but they hadn't picked a movie yet that the swim team was supposed to have their final vote this morning and they got rained out so they would have the final vote on the movie tomorrow. She stated that the Jacinto City Library was gracious enough to let us borrow their movie License again and this would be another free event for the city and if they missed it last year it was a fun event. She advised that admission was \$5.00 or if you are willing to cook or bring food for five other people, you get in free but if you bring money, they use it to go buy pizza. She stated that last year they had a packed house and she expected that again this year and you registered ahead of time because they only allow 125 people through the door and they are allowing residents only to register until Friday and if there is space left on Friday, they will let non-residents come in, just call the gym and let them know how many you have coming.

Kim also reported that they would have their first swim meet Monday night at 5:30 p.m. and would have swim meets on the next three Mondays in a row, that they were just having fun during the summer, keeping them busy. She advised that the fourth set of swimming lesson would start Monday and they did have a couple of openings in the morning classes but the evening classes were all filled up.

Cindy Miller, Heritage Hall Director, advised that Monday night was game night from 4:00 p.m. to 7:00 p.m. and went over the July calendar for the other events planned for the month.

MAYOR'S REPORT:

Mayor Nunez thanked Council Member Diaz for handling the last meeting, that she had a reaction to a medication and had the hiccups for four days. She stated that she got a lot of compliments, they said she did a wonderful job.

Mayor Nunez advised that we lost two of our long time residents, Rachel Reed who was 97 and Sam Wamsley who was 89, long time residents and a member of Heritage Hall and they would be missed.

Chris Diaz advised that another long time resident, Mr. Jim Levy, had also passed away day before yesterday.

Mayor Nunez recognized Former Mayor Chris Diaz and welcomed Mr. Childers from Big Bass and LaGloria from Big Bass. Mayor Nunez ask Council Member Lee to talk about the meeting they had Tuesday at Big Bass, it was not planned and it went so well.

Council Member Lee stated not that you should have meetings that you don't plan but it just worked out that way. He stated that he happened to be over there discussing having Bible study classes with Mr. Childers and while he was there he just said there were some concerns that had been brought up at our council meetings and ask him if he would like to meet with the Fire Chief and the Police Chief and he stated yes he would and he called them and it just so happened that the Mayor was with the police chief and she came too and Mr. Childers brought in his staff and they had a very productive meeting, very informative, it was great to meet all of them and they found out a lot of things that we had been needing to know and talked about some things that needed to be done and it was a great meeting, they were glad to meet with them and personally he thought Mr. Childers was doing a great job over there, he was very informative, the place looks great and he has some great idea and it was a pleasure, a very good meeting.

Chief Squyres stated that from the emergency management, fire and EMS side of it we did have some concerns, that the bulk of the residents came here from the Hurricane Katrina event and that was how we opened Big Bass and some of those folks are still there and about a month later we evacuated a bunch of them because of the next hurricane and put them on busses and shipped them out and we learned a lot of hard lessons and Ike rolled around a few year later and we learned some more hard lessons about having a three story building without any power, no air conditioning and no elevators with a lot of people in that building having respiratory problems and mobility problems so there was a lot to talk about. Evacuate, don't evacuate, special needs patients, keeping medical records where they are easily located and things like that, so they went down a laundry list with Mr. Childers and it went very well and they were really pleased to see how much advance planning they had already done. Lon stated that with the many levels of management they have had there, which came and went a lot, he was very successful, that Mr. Childers had a 98% occupancy rate, his staff seem to really be team players and we look forward to them being there a long time and having a good relationship with them.

Mayor Nunez stated that she was also impressed with him because he brought his staff to meet with us and making sure that everyone knew what could and couldn't be done over there because she knew that we have some people coming to the council meeting with some concerns and Mr. Childers correct concerns and misunderstandings and she especially like what he said about having a list of all their medications and whatever they were allergic too right by the door so that when the paramedics come they did not have to waste time getting this information.

Chief Squyres commented on that as well, stating that if when they go in and the list is at the same place in every apartment it saves them time that they can spend with the patient. He stated that he really appreciated Council Member Lee setting up the meeting, it was a last minute thing but it worked out really well.

Chief Ayala stated that they discussed the issues about security on the premises and he just wanted to say that Mr. Childers had done a very good job and the ideas that he has set, having to do with the protection of the property, is helping us and he really appreciated the comments concerning our police department being available and being there in the time of needs and they would continue to do that and he really wanted to commend him for the effort he had done to cut down on anybody that shouldn't be on the property.

Mayor Nunez thanked Mr. Childers again for allowing them to meet with him and having such a productive meeting.

CITY MANAGER'S REPORT:

City Manager Maner stated that they see him sit up here meeting after meeting and say that everything is going well and if it is not, let us know and we will try to take care of it, well he thinks everybody sitting in this room knows everything is not going well right now, We don't need to discuss any details or anything but we have a problem, the city will always have problems but he assured them as citizens, these folks up here, himself and city stall will handle these problems and will handle them professionally, correctly and we will do our best to see that they are resolved properly, so it is not a perfect world and not a perfect city but we are working at it and we need their cooperation with it and we would continue to work and anything we can do you let us know and if you think things need done pick up the phone and call him, the Mayor or any of these Council Members and we will certainly listen.

There was no Unfinished Business.

NEW BUSINESS:

1. City Manager Maner advised that the Planning and Zoning Commission met on this Request on Tuesday night and it was the first time that Mr. Victor Castillo exercised his duty as being the alternate member to the Planning and Zoning Commission and he sat on that board and they had five members present. Mr. Maner ask if Mr. & Mrs. Fabela was present, stating they had requested that the lot at 11102 Invierno, which was the lot at the corner of Holland and Invierno, had requested a special use permit to be able to put a car lot there and it was not permitted in that zone under the Zoning Ordinance so that was why they had to go before the Planning and Zoning Commission and ask their permission and they further went on and ask that the lot next door at 11106 Invierno be a part of that so they could use it as a car lot also. He stated that Mr. & Mrs. Fabel was here tonight and he believed he wanted to address the council. Mr. Maner stated that Mr. & Mrs. Fabela didn't appear, although they were aware of the meeting and he guessed they

would tell us why they didn't appear and at any rate, the Planning and Zoning Commission voted 5 to 0 to deny the application to use that property as a car lot.

Mayor Nunez ask Mr. Fabela if he wanted to address the council.

Mr. Fabela stated that first of all he would like to apologize for not being on these premises on Tuesday, they were across the street, city hall and they stayed there about 45 minutes and even met some of the people who were coming to the same meeting, he believed they were neighbors and while talking to them he told them that they had seen some people coming into this building and they told him it was a Representative's office. He stated that they received a call from our office reminding them to be here at 6:00 p.m. and they were here around 5:30 p.m. and he apologized to everybody for not being here like they were supposed to. He stated that he would like to address them that they were requesting this petition on the addresses that were mentioned to be zoned as a car lot.

Mayor Nunez advised Mr. Fabela that the application was discussed at the meeting and right now they were just letting him advise them why he didn't show up for the meeting because the board has already taken action, they had denied his application so now she would have to ask the council members to vote on that, she stated she was sorry that he missed but he had a letter and he replied that yes he did and it was an honest error.

A motion was made by Council Member Garcia and seconded by Council Member Rivas to accept the Planning and Zoning Commissions recommendation to deny the application for rezoning at 11102 and 11106 Invierno. Vote: 4 For 0 Against

2. City Manager stated the Planning and Zoning Commission also met on Mr. Vazquez request for rezoning for a duplex at 10321 Fairfax. City Manager Maner ask if Mr. Vazquez was in the audience and he was not. Mr. Maner stated that Mr. & Mrs. Vazquez purchased the property at 10321 Fairfax and they were asking that they be allowed to have that lot rezones so they could turn it into a duplex and have a wall in the middle of it so they could have two residences there, the board did hear their application and input from the building official and others and voted unanimously to deny the application to use that as a duplex .

A motion was made by Council Member Garcia that the Council accept the recommendation of the board to deny the request at 10321 Fairfax. The motion was seconded by Council Member Rivas. Vote: 4 For 0 Against

3. Chief Ayala stated that right now they were over budget on this item by

\$2,925.00 so he was asking to amend the budget by \$6,000.00 to cover any future expenses, that our units were around the clock out here and there was a lot of wear and tear and what helped them out a lot was Kevin, the city mechanic, because of the work he did and they didn't have to take it anywhere else and that saved us a lot of money but unfortunately they went over budget and since they still had until October 1st he was asking for \$6,000.00 to cover what they went over and any additional expenses that we may have.

Council Member Lee ask the Chief if he had immediate expenses that he knew about that would be included in this.

Chief Ayala stated that they had two windshields that needed to be repaired and one that had a transmission problem but they were going to hold off on that until the new budget comes in, they just need to have this in case of emergency situations.

A motion was made by Council Member Rivas and Seconded by Council Member Lee to amend the Police Department Budget Code 16-6977, Maintenance and Repair of Auto's in the amount of \$6,000.00. Vote: 4 For 0 Against

4. Chief Ayala stated that normally when they have psychological testing it is when we hire personnel, they have to take a psychological exam and we have to pay the for this exam or if we need one to come in and talk to an officer that had come across a bad situation or scene and we need him to talk to somebody. He stated that what happened here was we went over \$3,860.00 even though we only had the budget set for \$800.00 and the reason we were over is we had about 10 victims of sexual assault that had to take a medical exam and by law, we are to pay those bills and then what happens is we will send the information and reports to the Crime Victims Compensation Division and they will reimburse us after they review case, they won't pay any cost concerning treatment of injury but they will pay for the sexual assault medical examination and that is what we are paying and that is why that much is over budget and we do get it out of this code right here so he was asking for an approval of the amount of \$5,000.00 to cover the over budget items we have in this code and to cover any future expenses.

Mayor Nunez stated that she was concerned because she knew this helped victims and they need help when they come across something like that and she thinks the counseling and psychological testing is important to them.

A motion was made by Council Member Garcia and seconded by Council Member Diaz to approve amending Budget Code 16-6833, Psychological Testing, in the amount of \$5,000.00 to cover over budget items and to cover future expenses. Vote: 4 For 0 Against

PUBLIC COMMENTS:

Robert Hernandez, 10245 Chadwick, stated that he had a question about a business that was opening up on the East Freeway, Cesear's Auto Sales, a used auto dealership which was at the corner of Baca and the East Freeway and they have an entrance off of Baca but there is not an entrance off the East Freeway and they have an East Freeway address and he was just concerned about that, was it going to make more traffic go on Baca Street as opposed to the East Freeway, would they will be taking deliveries of the vehicles from an 18 wheeler and will that 18 wheeler be on the East Freeway blocking a lane of traffic while loading or unloading vehicles and that sort of thing and he just thinks they need freeway access or entrance facing the East Freeway. He stated that he noticed that all of the other business had a entrance on the East Freeway but this ones actual entrance was on Baca Street.

City Manager Maner advised that he would have to check with the Building Official tomorrow about it that he honestly didn't know but he would tell him this, they would not allow an 18 Wheeler to stop on the freeway and unload or load period. The Police Department would not allow them to block a moving lane of traffic, he gave Transtar as an example and stated he felt there was going to be a freeway driveway but he honestly didn't know. He advised that was a used car lot like the council turned down and under our Zoning Ordinance, a used auto sales could only take place on the feeder road or on Market Street because that is what is called general commercial, they can't take on Mercury or Holland without special permission which the council turned down tonight and that was the reason.

Mr. Hernandez ask what was the city's take on that they had an East Freeway address but there was not an East Freeway entrance to the business.

City Manager Maner stated that all he knew to tell him was he didn't see why the city would care what their address was but if he would call him at city hall where he could ask Rick this question, that he just didn't know the answer to his question about the driveway but he could find out for him.

Council Member Garcia stated that she just want to say that their Fitness for Kids was having a good turnout, they had anywhere between 30 to 35 kids, it just depended and on average about 20 to 25 parents coming to the classes and they were still open if people wanted to come in and get educated on city topics and kids wanted to stay fit for the summer they were still welcome to come.

Wanda Dowlearn, 10337 N. Oswego, stated that she just wanted to comment on what Robert had addressed. She stated that she thought the city should make them make a driveway to the entrance, that she didn't Baca torn up any worse than what it was, that we just had to get grants to repair all these roads and now we were going to allow another business to tear up another street, make them get a freeway entrance to their business.

Larry Schion, 506 Hare-Cooke Rd., Crosby, Texas, He discussed all the different locations the city had held fireworks while he had lived in the city and the years they had not had fireworks and then the city getting together with Galena Park and having a good thing again and he drove all the way from Crosby to watch the fire crackers for his grandkids and he didn't want to stand out in the mosquitoes so he ask Ms. Mayor if he could borrow her driveway and she said yes so they sat there and watched the fire crackers with her husband, they had a good time and there was a good turnout and that is the things he missed from being in Jacinto City because he used to just have to go out his door and watch them and now he has to drive 20 miles but he does still come back to this city because they have a good turn out and they give the citizens of this city a good show.

Victor Zuniga, 10137 Burman said he just wanted to make a comment to the citizens to be vigilant. He stated that Mr. Maner couldn't have said it any better, we don't live in a perfect world, obviously we see that around us on the news everywhere, so he was encouraging everyone to be aware, be vigilant, be aware of your surroundings, protect your property, keep an eye out and if you see something by all means mention it, bring it up. He stated this was a tight nit community, they had been here for several years and they could have moved anywhere else but they chose not to and he just wanted to bring that up and make everybody aware and if you see something, then by all means please bring it up.

Council Member Diaz encourage everyone to come out to the swim meet, that they would really enjoy it, that she had both of her kids on there and her five year Nicholas was super excited, he had learned to use a cell phone and called Kim every day to tell her it wasn't raining bad, were they going to have swim lessons. She thanked Ms. Debby for doing an outstanding job with the kids and also Donna Dailey who was also a volunteer and did a great job, that they didn't believe in the word Can't.

Council Member Rivas stated that he saw Mr. & Mrs. Vazquez and ask if there was anything they would like to say and they stated no. He stated the 4th of July was awesome, the fireworks, there was a lot of reasons why you might want to stay in Jacinto City but the fireworks bring you back don't they. He stated that he loved it and looked forward to it every year.

Council Member Lee stated that he would like to say that driving around recently and looking at the city, that he was involved in the Harris county Parks Department for many years and he was real proud of our parks, he thought they looked real good, he sees a lot of people taking part in the activities and it feel good to drive around and walk around and see our parks being used and very well maintained.

Mayor Nunez stated that Tuesday morning she had gotten some complaints on some streets and she had called Chief Ayala, it was raining but they went out and he got a 911 call about a one year old child locked in a car. She said the Chief immediately told her to hang on they were on their way over there and the officers were in route and sure enough when they got there the little one year old girls was in the car seat in the back and she didn't cry, she was just a perfect angel and we thought that when the alarm went off she would start screaming but we immediately had officers Becker, Bogie, the Chief and walker, they tried to open it and she calmed the mother down, she was getting hysterical and the baby didn't need to see that. She stated she thought that Officer Bogies was the one that got it open and in a split of a second that was resolved and she felt so good to be there and see our officers doing that and when the mother got the baby out of the car, it was just smiling and she was glad that she was there to observe that, that in less than 5 minutes the baby was out of the car.

Chief Ayala advised that they had a ride along for the residents and if they wanted to come out and ride to let him know, give him a call so they could see what they are doing out there and he encourage them to come out and do the ride along.

Mayor Nunez stated she thought that was a good idea, especially for the younger people, so they could see what the officers go through.

Larry Schion stated that Mr. Lee talked about how good the parks look and as many years as he had been coming up here clapping for people and also talking bad about them, he would just like to say that Mr. Ochoa worked very hard on the parks and we haven't done a whole lot for them since he had been gone but one of the biggest reasons, probably 90%, was because he did do a lot for our parks spent a lot of money on them and as much as he criticized him on some things, he would like to say that he was probably one of the biggest reasons that they look the way they are.

Mayor Nunez gaveled down comments and advised Ms. Dowlearn she was out of line.

Councilman Lee advised that he was thinking more of Kim.

Mayor Nunez stated that she thought that everybody worked hard on the parks and every other department to try to make sure that our citizens get the best from every department head and every department and she knew that Mr. Rivas would be out there just like he did with the monument and he would be doing his share and she was happy to have him aboard.

Mayor Nunez adjourned the meeting at 6:45 P.m..

Respectfully submitted,

A handwritten signature in cursive script that reads "Joyce Raines". The signature is fluid and elegant, with the first name "Joyce" being more prominent than the last name "Raines".

Joyce Raines
City Secretary