

## COUNCIL MEETING, THURSDAY, JUNE 28, 2012, 6:00 P.M.

The Mayor and City Council met in regular session on June 28, 2012 at 6:00 p.m. with the following members present: Mayor Pro Tem Ana Diaz, Council Members Rivas, Lee, Garcia and Gonzales; City Manager Maner and City Secretary Raines. Mayor Nunez absent to illness and City Attorney DeFoyd out of state.

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: 4 For 0 Against

### REPORTS OF OFFICERS, EMPLOYEES AND COMMITTEES:

Chief Ayala reminded everyone that Saturday, June 30<sup>th</sup> was the Jacinto City Police Department's auction and went over some of the items that would be in the auction. He advised that the viewing would be from 11:00 a.m. until 1:00 p.m. and the auction would start at 1:00 p.m.. He stated everything would be auctioned as is and payment of cash only and all proceeds would go into the general fund.

He also reminded everyone that National Night Out would be coming up in October and anyone planning to host a party would need to call the police department.

Chief Squyres stated that the 4<sup>th</sup> of July was right around the corner and the fireworks would take place and we were grateful for the little bit of rain we saw today because it was getting pretty dry out there. He advised that the fireworks would start between 9:00 and 9:20 and they were looking forward to it, that there had been a lot of work in preparation, all the legalities and paperwork had been taken care of and now it was just the labor.

Kyle Reed, Public Works Director, advised that the water project across the street was going very good, they were starting on their third street installing services and if it continues to go as good as it is going now they will probably be through in 60 days but keep in mind that they have a long way to go though and they have to do a final punch list before they leave Jacinto City and they won't get paid until all the clean up is done, that they were a very reputable contractor and we would make sure they get the yards back in shape. He ask that they keep in mind that they are not through yet, that he gets calls everyday about yards that are not getting fixed back but that is because they are not through; when they are it will be taken care of.

He called attention to the construction over by the water tower, that we would soon be changing the way we distribute water and the building will be the new control building because the big brick building by the police department was coming down. He stated that hopefully we would soon be on 50% well water if The Harris-Galveston Subsidence District still allows that. He advised that this job was a six month job and they were a little bit late starting but they were going full blast now.

He advised that the sewer plant project was going well, the sludge press was in and hopefully we would have it installed within the next thirty days.

There was discussion on mosquitoes and Mr. Reed advised they would be spraying on Friday if it didn't rain.

Kim Bellotte, Parks and Recreation Director, advised that the Parks and Recreation Department had been very busy with swimming lessons day and night and they were starting a new kids fitness program next Monday and they have had a lot of people sign up for that, if anybody wants to sign up there is still room. She stated that the only swimming lessons they had room left in now was session three and session four from 9:00 to 9:45 and school age kids are the only ones they have room for. She stated that for the 4<sup>th</sup> of July she was glad we were having the fireworks this years, it let the recreation department get off early. She advised that all of their festivities would start at 12:00 noon starting with the bicycle parade and the decorated bicycles would go all the way around the park from the pool and when the kids get back to the pool they will open the pool up for the annual 4<sup>th</sup> of July pool party which is free for all the people, the city provides pizza and they have games with all kind of prizes and it is always a lot fun with a lot of community there. She thanked everybody for volunteering ahead of time.

Mayor Pro Tem Diaz stated that her kids always look forward to the bike parade.

Cindy Miller, Heritage Hall Director, advised that they would have their birthday party tomorrow and they would have their 4<sup>th</sup> of July party on July 3<sup>rd</sup> and Councilman Lee was coming at 9:30 to entertain them and they were going to have cantaloupe and ice cream. Then Council Member Garcia would be around at 11:30 with her summer program so it was going to be a big day. Cindy advised that the July calendar was out and they also had Christmas in July at Heritage Hall and presented a list of items they use daily at Heritage Hall that the seniors buy through fund raising events, etc. and they would appreciate help with any thing on the list.

Mayor Pro Tem Diaz advised that she had gotten calls from seniors today about grocery shopping Monday at Joe V's and they wanted to make sure she was going.

**MAYOR'S REPORT:**

Mayor Pro Tem Diaz advised there was really not much that this was her first time up here and she thanked them for being patient with her. She recognized Ms. Gretchen Knowls from Commissioner Morman's office, former Council Member Claudio Ochoa, former Mayor Chris Diaz and Mr. Bershard Alexander from City Attorney DeFoyd's office.

She stated that everything seem to be going well, that she was at swimming lessons every morning and the kids love it and she had gotten a call today about where they could register for swimming lessons.

**CITY MANAGER'S REPORT:**

City Manager Maner stated that things were going well as you could hear from the department heads reports, that we had a lot going on in the city, we were very fortunate and if they know of any problems, let us know and we will do our best to take care of them.

There was no Unfinished Business.

**NEW BUSINESS:**

1. City Manager Maner advised that the auditors, a few meeting back, submitted their report to the council and most of the people that are here now were here then heard it, it was a good report, the city was in good financial shape, however the State and County now want us to start officially accepting the report by motion of the council and that was the reason it was on the agenda.

A motion was made by Council Member Garcia and seconded by Council Member Gonzales to accept the Audit and Financial Statement for FY 2010/2011 presented by Belt Harris Pechacek on April 12, 2012. Vote: 4 For 0 Against

2. Mr. Squyres stated it was sort of a sad situation, that Kyle mention how well the contractor was doing, they were really knocking out the work but we were not quite that happy with the engineer, they had a couple of problems in the paperwork, something that we had to correct. He stated that for years and years, when we put down waterlines we have always used polyethylene tubing to connect the line to the homes and when we put these new lines down, you actually get actually get a new water line and it is usually moving from the back of the house over to the front and for some reason the engineers used the Houston specifications in our bid packets and their specifications called for copper pipe, in spite of the fact that Mr. Reed told them over and over again that we use

polyethylene but they did the specification calling for copper and no one caught it until it was going into the ground and copper is a little bit more expensive than polyethylene so we wanted to make sure we were doing things transparently, ethically and the way it should be done so we stopped and looked at it, there were six different bidders on this project and we wanted to make sure that nobody could later come back and say that the only reason McKinney got that job was because they transplanted polyethylene for what was supposed to be copper so we ran the numbers backwards and forward and any way you look at them they would have still been the low bidder. (A copy of the worksheet is attached for record) He stated that anyway you looked at it, McKinney would have been the low bidder by at least a \$184,000.

There was discussion on the difference between copper and polyethylene tubing.

A motion was made by Council Member Rivas and seconded by Council Member Lee to approve Change Order No. 1 for CDBG Water Line and Fire Protection Project. Vote: 4 For 0 Against

Mr. Squyres advised that today, the County came out and examined this very issue and the County Engineer signed this change order; he was happy with it and thinks it is the smart thing to do as well and this was not the engineering firm that we have used for years, this was a new one that the county forced us to use a couple of years ago for this specific project and he didn't think the county would be forcing us to use them anymore.

Larry Schion, 506 Hare Cook Rd., Crosby, Texas, stated that he had been coming for the last couple of months, that there was a lady here, that lived 10325 N. LaCrosse, on a fence problem. He stated there was a Mr. Herman that had some board up on it and was blowing it down and he had many problems with him and while he was over there, he came out more than a few time and started trouble so he got with Chief Joe and he wanted him, while he was over there, to call the police department and have them there while he was working and he did ask for that and most in general every time he needed them they were there. He stated that Mr. Herman was threaten Ms. Osasrio, the lady next door, as he was working over there and he kept on and on. Mr. Schion produced copies of files that he had from Jacinto city, Harris County and Florida, stating that everyone of them meant something and he did a little research because he couldn't understand why the police could not make him go inside and leave him alone because he was working and Mr. Walker was there and stated that was his house and he could come out there. Mr. schion said he advised him he knew it was but just don't let him talk to him, let him watch or do whatever he needs or go back into the house and leave him alone and Mr. Walker assured him that was his house and he lived there. Mr. Schion stated that Mr. Herman was mouthing and had been doing so for a couple of months and he kept

challenging his son, which was 21, so his son finally told him that if he wanted to fight him to step out in the road and Mr. Herman video this and then called Mr. Walker and Mr. Walker came over. Mr. Schion stated that he didn't claim to be a police officer but he found all of this and Mr. Herman had been in prison for ten years and went over different charges had had been filed against him and that he had threatened Detective Silva and she filed felony charges on him and he saw that it was later dropped and he would like to know why she would drop it, that she didn't normally drop things like that. He stated that this guy had a record in Florida as a career criminal. He stated that he was in fear for Ms. Rivera because he had the record on this guy and when Mr. Walker came over, he arrested his son and put him in jail. He stated that the people he got these documents from told him that he needed to be very cautious that this man has a criminal history of violence. He went on to say that he was shocked to have this kind of guy in our city but he was more shocked that Mr. Walker took his son to jail because this man has a history of telling people he would hurt them and everybody around this whole city was scared of him. He stated that he raised his children different, if he is going to hit you, let him go or hit him back and his threatened my son over and over and Mr. Walker went inside and seen on the camera and then came back out and hold his son he was under arrest for talking bad to him, saying that you would whip him. Mr. Schion stated that he had talked to them and talked to them and this thing was getting out of hand, he shouldn't have to call the police to work on somebody's gate and this was the first time in 32 years he had to do so. He stated that Walker took his son to jail and put him up there for threatening him and he was shocked because now he had these reports in front of him and this guy has a history and again went over what all he had been charged with and he was truly offended that he took his son to jail when he had the opportunity, as a law enforcement officer, to have his history and he knew that he did because he could run it on his computer. Mr. Schion stated that something was going to have to be done and the way the police handled things was very unfair and the reason that it was unfair was because he threatened them and Walker was there when the man told him he would kick his and he told him that sounded like a terroristic threat and Walker didn't take him to jail and he was there when he told him that but he went in and looked at the camera and came back and took his son to jail. Mr. Schion stated that Mr. Herman had ten aliases and every name that they had on his file in Jacinto City was a lie, that he had checked it and he went and asked Mr. Joe how they spelled his name and then when he got the true spelling of his name he ask Mr. Joe how his officers could get the wrong name and all the names that he gave Joe was on these aliases. Mr. Schion again addressed all the things Mr. Herman had been in trouble for in Jacinto City as well as other places, stating that he was very concerned for Ms. Rivera and he was also told that he had Joe, Walker and Silva wrapped around his finger and that day that his son went to jail, he started thinking they might be right, that he couldn't see how Silva would file felony charges on him for threaten a police officer and then drop them later. He stated this guy came straight out of prison to Jacinto City, that

he didn't know all of this before but the individual that gave this told him that he needed to be afraid for his life, he could kill you but that still didn't scare him because he was a grown man and if anyone wanted to see these documents he would be happy to run the whole file off for them, that everyone on his block gets this file and the next time the law comes out they are going to look at this file and they are going to do something different next time and that included Mr. Walker. He stated that he was not happy with his son going to jail, that he called the police department and they told him that his bond was \$167.00 and he took the money up there and Walker said he wasn't getting out, that he was going to Harris County. He stated that police officers know ways to keep you in jail, if they don't put your name in the computer you can't bail out so Mr. Walker waited until the time was getting up and then he couldn't bail out and this upset him. He stated there were a lot more things that Mr. Walker had covered up in this city and he was not going to speak of them tonight because he had  $\frac{3}{4}$  of this stack coming from Florida and he didn't see how someone like him could find all of this to show them and Mr. Walker put people in jail and don't warn us of the kind of people they are.

Mayor Pro Tem Diaz advised him that his time was up.

Mr. Schion stated that he would speak on this at another time.

Council Member Lee ask if Chief Ayala had anything to say to this.

Chief Ayala stated that he just wanted to let everybody know that they were going to do their job; there were liability issues, there are laws, there is the District Attorney's office, there are attorney's that they talk too, there are times that they file charges on an individual and then the District Attorney's office will drop that to charge them with a higher offense and give them more time but he just wanted to assure everybody what they were going to do was what the law allows to do and tells them to do and they were not going to create a liability situation regardless of whether people have criminal histories or not that everybody has rights in this country and they were going to do their job and it may have been that he would have gone to county but we went ahead and held it here in the city so if that was anybody's fault it was his and he had talked to Sgt. Walker about it.

Mr. Schion stated that he appreciated Chief Ayala doing that but he wasn't talking about the Chief, he was talking about Walker, that he was the one who wanted to send him to the county and when you get in the county, it takes you 36 hours to get through just to get booked out.

Mr. Schion made a statement from the audience that was not picked up by the sound system.

Sgt. Walker stated he was a Detective and had been here about 13 years and wanted to say that he loved his job. He stated that on the incident that he was referring to, he was there personally and he knew that the citizens didn't look for him to ignore somebody because he knew them and in this case the breach of the peace was broken many times and he ask over and over for them to cease, it began verbal and then it became physical and he had to step in to make sure no one got hurt because it was going to that and some of the officers could have gotten hurt so he had to take him into custody because of that, plus he was very vocal to him, he disrespected the badge and him personally a lot but he ignored that because he had a job to do and he just wanted to say that and before he sat down, he wanted to say that we have some good officers out here, they run through your back yards night and day and could get injured or killed at any time, and they had a real good chief, he stands the line and tells them to do their job and he didn't think the police department should be belittled because of personal issues, they were here for them 24 hours a day, seven days a week and they were going to do their job because they took the oath to do their job.

Mr. Reed advised that he had passed out some of the Water Quality Reports and had some more. If anyone would like to take one with them and they would get one in the mail, that we mail them out to each and every citizen and we would put some at Heritage Hall. He advised that we buy all our water from Houston and we do all this testing and everything met criteria. He said that he had a citizen ask him if he would drink the water and the answer was yes, that it did not taste like our well water and hopefully in the very near future we would be 50% well water and they would definitely be able to tell the difference but we have to distribute what the law tells us to distribute and that is why we are on Houston water. He stated that all these test were good and anyone that wanted it explained to them in Spanish could call the barn or city hall and they would have people that could translate for them if they had any questions.

Mr. Reed stated that he had to see if Council would help him out on this, that the gradall was a very important piece of equipment and went over all the things it was used for and that it was a big part of the public works department. He stated that normally most cities had a back up on the machines that they use but on this gradall he didn't think it was necessary because we have a good maintenance program but it just so happened that the transmission went out and he needs that machine bad, he would hate to see a storm come here and not have that machine, that it was not the only piece of equipment that we have but it was very important.

Council Member Lee ask if we only have one gradall and was advised that was correct.

City Manager Maner stated that it was a very essential piece of equipment and they would appreciate the Council approving this and as Kyle had said, he has an excellent preventative program, we do everything we can to take care of our equipment but as everybody know, occasionally it breaks down, this was unforeseen and very expensive but we did need it repaired.

A motion was made by Council Member Gonzales and seconded by Council Member Garcia to approve the amendment of Budget Code 19-6803, Maintenance and Repair of Equipment for emergency repairs to the gradall in the amount of \$9800.00. Vote: 4 For 0 Against

#### PUBLIC COMMENTS:

The individual advised that she was speaking on behalf of her mother, Eva Alvarado at 10234 Norvic. She stated that her mother moved here about 15 years ago and when she bought her home, it was a very small home, the drive way was in pretty bad condition so she saved up the money to be able to get another one built. She stated that during that time, the city was doing some construction on the back of the property so when they were getting it fixed, someone broke her driveway. She stated that because it was her first time doing some type of construction to the home and the first time for her buying a home, she failed to get a permit that you have to get and the guy that she hired to do the construction had told her he got the permit but he really didn't so this had been going on for four years now and she had been to court about 12 times or so and paid fines for this and he gave her two weeks to break it and redo the driveway. She stated that last Monday her mother went to court and he told her that she had a certain amount of time to break it and redo it and she was just wondering, because it was her first time, that she has a permit now but she doesn't want to break it because she doesn't have the money to do it all over again, it was about \$1800.00 construction cost and she would like to know if there was anything she could do and not have to pay the fine again, could she be forgiven for this.

City Manager Maner advised that he was familiar with this and if he had know she was going to be here tonight, they would have had the building official here. City Manager Maner went through the history and as everyone here knows, we put out at least two city newsletters every year and they are mailed to every resident of the city and they are in English and Spanish and one item that is in everyone of them tells you to get a building permit before you do any building and it specifically says, driveway, fences, remodeling etc. and he had them at the office if they would like to see one. He stated that his point in saying that was there is no excuse for not knowing this because we provide you with that information and that is not just true in Jacinto City that any city you live in you have to have a permit. He stated that he didn't know all the history but it got poured without any

permit at all and the reason to have them get permits is so that the construction will be done properly, it will be safe, it will be where it will last but the part that we are interested in most on driveways is the thickness of the concrete and the rebar, etc.. He stated that in her mother's instance, the problem was and it was not the whole driveway, we were interested in the driveway where it leaves her property and meets city property, the city right-a-way. He advised that the code required that it be 6" thick of concrete but back on her property it would be 4" thick but it had to be 6" thick on the right-a-way, it has to have the proper amount of rebar or whatever. Mr. Maner advised the daughter that this was discovered after it was poured and her mother was given notice of it and was not written a ticket for a long long time because the inspector just tried to get her to do it and she wouldn't do it. Eventually citations were written and as she said, she had been to court twelve times and he would assure her the building inspector was not picking on her mother, we just have to enforce the law and the simple fact was that the court has been ordering her to do it, she had told the court she would but then she doesn't fix it, so she keeps having to pay these little fines and that is going to cost more, that just because she goes to court and pays the ticket, until it is fixed it is a continuing violation and more citations will be issued. He stated that everybody knows that you have to have a permit to do construction.

Ms. Alvarado's daughter stated that her deadline was on Tuesday and she was still trying to save up to do it so could she get an extension.

City Manager Maner stated that he was sure she could that we were not interested in getting her mother's money we just needed to get it fixed, so if she would have her mother, and she could come as a translator, come to city hall and talk to the building inspector and him, they would certainly work with her.

Larry Schion stated that where he left off, that he was actually not afraid of that man down there but he had to get the work done and he was glad that Joe and them send these guys down there. Mr. Schion stated that through the years Mr. Walker had lied to him on other cases that he covered up in this city that had to do with city council and he wouldn't mention no names but he did, he was told that he didn't but he got the document from Tinsel Town so he knew that in the situation he would cover stuff up. He stated that had been ten years ago and with that said, something was going to have to be done with that guy and here was what needed to be addressed that after he finished the fences if he put something back up, who was going to give authority for him to take it back down and went on to discuss what he was hiding in his back yard. Larry stated that he sicked his dog on him and the dogs were trying to jump the 6' fence and he wouldn't call them off and it was the first time in 32 years that he had to have someone watched by the police in order

to put up a fence. He stated that if anyone up there would like to see these records, he didn't know what would get the fire going. He discussed showing the records to Ms. Rivera and her family. He stated that he was concerned for Ms. Rivera because he locked her out in her night cloths and wouldn't let her in. Mr. Schion stated this was all about him bullying people.

Council Member Garcia advised that starting on Monday, they were going to have the fitness for kids program and our local government and the purpose of the program and she ask for each of the departments to stand up and also Detective Walker and she would like for everyone to give them and our city council applause because the city program that we have is to help educate our community on how we work together and it also helps to build a relationship with citizens and the department heads, we are a family and that is the way this community is seen and that is the way she would like for it to be but each of these department heads are responsible for putting on these presentations, that we have different topics going on and she discussed the different topics they would be presenting, and that we had a visitor coming in from Austin and he would be speaking on behalf of TCEQ, that is who Kyle has to report too, and he is excited about coming. She stated that Kim put on a good program with our youth and this year we were going to have Master Lee to try and show that there is partnership between the city and local businesses, the girl scouts would be coming our as well and Cindy put on a great program and introduces the senior programs we have for our parents and there were a lot of question last year, that they didn't know that seniors outside Jacinto City were welcome to the program. She thanked the department heads for their contributions. She advised that at the adult presentations there were always door prizes and the program was sponsored through local businesses. She went over the different program that would be used for the kids fitness program and it was all based on education, that this year the adults would have a session on permits because of the situations she has seen within this last year, if people knew why permits were important maybe they will understand and share it with others and because of the resident that came in here and discussed domestic violence we would have a class on domestic violence and a lot of people don't understand our court system and she was still trying to set that up and if they have any topic that comes to mind, she was more than willing too take their input. She stated that she had a parent tell her she would like to see something on CPS and they had a CPS person coming out as well, so all ideas were welcome. She advised that classes start on Monday and they could still register with Kim tomorrow at the gym from 9:00 a.m. to 12:00 noon and it was free to kids, adults and senior citizens.

Council Member Gonzales encourage everyone to come out on the 4<sup>th</sup> of July, they had big plans for that day and it was always a good thing.

Council Member Lee encourage everyone to go to church on Sunday.

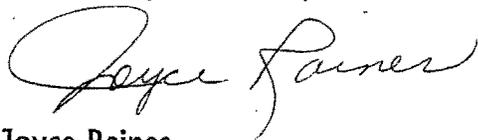
Council Member Rivas stated that he would like to talk a little bit about Larry Schion's situation, that it really bothered him. He stated that he had been on this council for a couple of weeks and this issue has come up time and time again, he didn't know exactly all of what they could do about it but he knew the right people were trying to everything they possibly could within the law. He advised Larry that he knew it wasn't going the way he would like it to go but it was being worked on and looked at and ask him to give it a chance and see what we get.

Mr. Schion stated that he appreciated Mr. Rivas's concern because he had been on council a short period of time, he had talked to a lot of these people and most people didn't want to get involved and his whole life had been about helping people no matter what the cost and he wished more people would be concerned because this was the first time in 30 years that he had been approached with something like this and he was shocked. He stated he thought we did have a good police department. (there was interference with the sound system and Mr. Schion's statement was not picked up.

Mayor Pro Tem Diaz stated we would get Chief Ayala to see if he could help him.

Mayor Pro Tem Diaz adjourned the meeting at 6:55 p.m..

Respectfully submitted,



Joyce Raines  
City Secretary