

COUNCIL MEETING, THURSDAY, MARCH 8, 2012, 6:00 P.M.

The Mayor and City Council met in regular session on Thursday, March 8, 2012 at 6:00 p.m. with the following members present: Mayor Nunez, Council Members Ochoa, Diaz, Lee, Garcia and Gonzales; City Manager 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 Ochoa to approve the minutes as presented. Vote: 5 For 0 Against

Mayor Nunez introduced Becky Gardea, Principal of Jacinto City Elementary School, Cecilia Meza, Assistant Principal and Dina Gonzales stating that they wanted to make a presentation.

Ms. Gardea introduced herself, stating that she was the principal at Jacinto City Elementary and they could give her a tardy slip, that they should have been here in September but it was never too late. She introduced Ms. Meza, stating that she was her right hand person and of course they had met her other right hand person Ms. Dina Gonzales. She thanked the Mayor, Council and staff for all their support, they truly appreciated everything they had given them and the police officers, and anyone they could call as readily available to them and of course their school was always open for anything they need if they could assist, just call. She addressed Ms. Garcia stating that she hoped that she planned on putting Jacinto City at North Shore's table tomorrow. She stated that she hoped that they enjoyed the gifts (T-shirts) and hoped they fit, that they had a wonderful, talented office staff that put it together for them and again thanked them for all of their support.

The Mayor, Council and staff opened their gifts and thanked Jacinto City Elementary for the shirts.

Cecilia Meza stated she was the new Assistant Principal at Jacinto City Elementary and she wanted everyone to know that she was home grown, she lived here in Jacinto City, she went to Jacinto City Elementary and she came back as a substitute and taught for 15 years there and now she was the new Assistant Principal so thanks for everything and anything they could do to help would be great.

Mayor Nunez thanked them, stating that she saw Dina carrying that load and she told Mario to look at that lady carrying that load and he said, oh she could do it, she was younger than him.

REPORTS OF OFFICERS, EMPLOYEES AND COMMITTEES:

Chief Ayala stated that he would pass on the report.

Chief Squyres passed on his report.

Kyle Reed, Public Works Director, reported that the pipe bursting project in the Park, which was one of the many projects we were starting now, was about 85% complete. He stated that with new underground construction it did not look good but he could assure them that the contractor would do a real good job with the cleanup and hopefully the park would be 90% complete by the weekend.

Mr. Reed advised that on March 12th was the notice to proceed on the water line project across the tracks over on Palestine to Lane Street, 18 blocks of streets, new water lines and meters moved to the front and he wanted to tell the citizens that all of this was being done by Jacinto city and Harris County and nobody should be trying to charge them anything, they were already trying to do that to call the Police Chief or Public Works.

Kim Bellotte, Parks and Recreation, reported that they were proceeding quickly toward the opening day of the baseball and softball league. The opening Day and Opening Parade was March 24th and everybody was welcome to come. The stated they had done a lot of renovations to the fields and have had nothing but great compliments on it and everything else was going great.

Rosalinda from Jacinto City Library, stated that they just wanted to let the people know that the library was fully open, they had a meeting room for conducting computer classes, children's programs and the library was free for everybody.

MAYOR'S REPORT:

Mayor Nunez stated that Sunday, at the Opry, they read a Proclamation for Mr. Wooten and she wanted to thank Council Members Diaz and Ochoa for being there and they had two former Mayors there also, Christopher Diaz and Mike Jackson. She stated the family was really appreciative of Proclamation and she thinks it was an honor for all of them to sign the Proclamation for Mr. Wooten, that he would be dearly missed but like the Proclamation said "but not forgotten" she thanked everyone for their support, that the Berry's were there cooking up a storm and we really appreciate that support and she had made a commitment, that at the first of the month she would give them a check to help continue the opry to be open.

Mayor Nunez advised that on Wednesday, March 21st at 10:30 a.m., Harris County Commissioner Jack Morman will be visiting the new library, everyone was welcome to attend and we would be having punch, coffee and cookies. She stated that Commissioner Morman was a great supporter of Jacinto City and he was really doing a lot for us and we want to make sure we have a good turn out there on the 21st. to show him that we welcome him to Jacinto City and thank him for the support on the library. She advised Rosalinda that they were doing a tremendous job over there and we thanked them.

Mayor Nunez introduced former Council Member Jose Ramon and recognized Bernard Valdez, a member of the Variance Board and thanked him for taking him time out Tuesday, that we had two things on the agenda and she knew he and the rest of the people made a big effort to be there on Tuesday and like she said, this was not a paying job, these people volunteer their time and knowledge to help us decide whether they can go through with their project that maybe the inspector felt did not fit the code and she thought they were doing a wonderful job.

CITY MANAGER'S REPORT:

City Manager Maner stated that he agreed with the department heads and the Mayor that everything was going well in the city and If they know something that is not, let us know. He stated that he did want to mention something tonight that he was not happy to mention but he wanted to mention it. He stated that the Council was already aware of it but we received a notice from The City of Houston that the rate on the water we purchase from the City of Houston is going up 3.3% on April 1st, and he mentioned that, not because their water was going to go up now, it was not but at some point and time, those raises were going to catch up with us and he just wanted the public to be aware of this.

Mayor Nunez recognized La Gloria and friends from Big Bass and thanked them for being here.

UNFINISHED BUSINESS:

1. A motion was made by Council Member Garcia and seconded by Council Member Diaz to approve Ordinance 2012-2 Amending Chapter 4 – Business Regulations – Gasoline Delivery Regulation on the second and final reading. Vote: 5 For 0 Against
2. A motion was made by Council Member Garcia and seconded by Council Member Diaz to appoint Jacob Padilla to serve on the Dangerous Building Board. Vote: 5 For 0 Against
3. A motion was made by Council Member Garcia and seconded by Council Member Ochoa to appoint Robert Hernandez to serve on the Variance Board. Vote: 5 For 0 Against

NEW BUSINESS:

1. A motion was made by Council Member Diaz and seconded by Council Member Gonzales to approve the Variance Board's recommendation to allow a solid fence to be place at 1704 Holland Avenue. Vote: 5 For 0 Against

Mr. Squyres presented a short presentation on how the fence was to be erected and why the fence was needed to prevent people living in the trailer park from driving across the new sidewalks that are being built.

2. A motion was made by Council Member Garcia and seconded by Council Member Diaz to approve the Planning and Zoning Board's recommendation to allow the storage lot at 11301 Market with the following restrictions, a limit of 15 wrecked vehicles that must be stored in the rear of building and have a marked fire lane approved by the Fire Marshall. Vote: 4 For 1 Against (Council Member Lee against)

3. A motion was made by Council Member Gonzales and seconded by Council Member Garcia to approve the recommendation of the Variance Board to build a laundry facility on the lot next to 1405 Holland five foot from the rear property line. Vote: 5 For 0 Against

4. Chief Ayala gave a short biography on Eduardo F. Vela and recommended that the Council Confirm him as a Jacinto City Reserve Police Officer.

A motion was made by Council Member Lee and seconded by Council Member Ochoa to confirm Eduardo F. Vela as a Jacinto City Reserve Police Officer. Vote: 5 For 0 Against

Mayor Nunez administered the Oath of Office to Officer Vela.

Officer Vela thanked the Mayor and Council, his family and Chief Ayala for this opportunity.

Council Member Gonzales ask to be excused so that he could leave to get back to work.

Mayor Nunez thank him for taking off from his job to come in for the meeting.

5. Jim Moore, 4400 Sherri Lane, Crosby Texas, stated he was here with some concerns and the last time he was here he talked about talking with citizens and the houses and some of their things and he had been doing that. He stated that he had eight bullets but at this time he couldn't talk on them because there was issues and things going on in the city that he couldn't say but there was some of them he could address and he wanted too because he left it with the council which was the civil service and to let him say something, it doesn't matter what you wrote you wrote a letter or anything, it has nothing to do with it, the council is responsible for any acts or anything done with that charter. The charter plainly states and he was sure that all of them read it, what is says, that means that all of them are held responsible, that for 12 years this has been going on and people have had blinders on and probably a lot of people that shouldn't have got terminated did because you could just fire them and that is why it is very important this civil service to get in here not only for them but the council too, it made their job a lot easier. He stated he had no idea where it was, Jim said he sent a letter to them and that might be Jim's job but it was each and every one of them on the council to respond to it because it was no different than taking tables and chairs given out by what it said in the charter, you are responsible for that charter, not Mr. Maner, not anyone else but the council, so the council could be held liable for it and he expected because if he didn't get results out of it, someone call and let him know, he was going to take it further. He stated you heard about Patton Village, this was going to become a Patton Village if it doesn't get straightened and we don't need that here. We have a lot of good citizens, we don't need to put on some kind of map looking like we don't have it together out here, we do but there is some things that is going that needs to change and you'll can change them, they know exactly what is going on. He stated there was another issue he had that could save this city a lot of money and that was contracting out work and ask if it wasn't anything over \$2,000.00 that had to go out for bids was that not right, somebody tell him because he didn't know.

City Manager Maner advised it was \$ 50,000.00.

Mr. Moore stated ok, that was fine that he had a couple, one contracting pools out, that in 8 or 9 years it was never bid on, never put up for bids and he was sure that it was more than any \$50,000.00 and now here was the big one, here was the one right here that could save the city an awful lot of money and that was Blue Cross and Blue Shield, never go out for bids to see we can beat the cost, which they could and he would give them an example, he got terminated, he had to get his wife some insurance and he got his wife insurance for \$250.00 a month, almost the same

the same thing that he was paying at the city but they were covering the other what 2/4 of it and he was paying ¼ of it or something. Imagine the money you could save you are talking hundreds of thousands of dollars the city could save just in the insurance premiums and not only that, you will be able to cover more of your family because of it, the way it is now we have to pay it, never has it gone out for bids, that is a violation, it should have been up there, contracted out where you put out for bids for people to come and talk with you and he had no idea why. He stated he was going to skip some others because he can't talk about it. He stated that he was going to talk about money being taken out of the city, he stated he didn't know anything about it but this came up from the citizens but he would say this, he did know that he went on the scene out there and he did see a window broken out and he wasn't going any further than that other than he couldn't respond to it but there was people who could respond to it, he couldn't, all he knew was it did happen. He stated that he had another issue and he was having to go through this pretty quick and he wasn't making a bunch of waves, all he was doing was educating them and letting them know what was going on in this city. Nepotism, he wasn't going to talk about nepotism because you could twist it anyway you wanted to twist it, you could cover it up anyway you wanted to cover it up, you could do whatever you wanted to do with it and make it legal and ask Jim DeFoyd it that was right but there was one thing that you can't do and that is conflict of interest, big conflict of interest, it doesn't matter how you cut it, if you have somebody staying in the same household with somebody else that is kind to somebody else it can cause a problem, they needed to look into that, he knew they were looking at some things, he didn't think the citizens knew what all was out there that you are talking in this change in the charter sections but he wanted to leave them with that, he stated that everyone was going on nepotism, he wasn't going on nepotism, what he was going on was the part conflict of interest, he guarantee them because it was said to him, he stated that he was not going there either, he would later at another time. He stated that he wanted to say one thing, he had an awful lot of good friends in here, you had to work to keep a friend, you had to work really hard to keep a friend that he did everything he could out here to keep friends, he even went beyond the part that when people did wrong to help them out and let them know what is going on, regardless of if they did or didn't. He stated Jack, I'm sorry, that he had been there for him, never left his side but he felt like he left him and he would give him an example and this has come up everywhere, about drinking, he stated that he came to him and told him what was going on and what people were thinking out here about him because he felt it was his duty. He stated it hurt to know and he could smug, he could shake his head, he could do whatever he wanted but it was a fact and he would go another step, he stated that he wasn't going to bring this up Kim but since she was back over there making all the remarks with her face now and shaking her head, he would bring it up or he could just leave it like this because it was a problem for her but he would just leave it like it was right now, if she wanted to know later he would tell her but he did want to thank the Council, they had job to do, that was the job they were elected to do, the citizens expect them to do their job, they were no better than anyone else out here and if you are not doing your job, they will hold you accountable. He stated they had been knowing, he had been saying the biggest thing he was worried about right now for the people and workers in this city out here is this civil service, he truly believed that if he had that civil service in there, he wouldn't have been fire today, there would have been a third person in there to kind of look at what went on so with that, he want to thank each and every one of them and he hoped that he didn't have to come back up here again because everything else was in somebody else's hands because he was out of it, he was just relating it to them but he was going to stay on top of the civil

service and if he don't hear something in a short period of time, he was going outsourcing with it and when other people come in and see that it hasn't been taken care of and it has been going back twelve years, he couldn't think about the other people but he could count on each and every one of them.

Council Member Lee stated that he would like to request that Mr. DeFoyd head the memo to City Council regarding civil service.

City Attorney DeFoyd stated that first of all, let him make something very clear, He was not responding to Jim Moore that he had filed a law suit against the city and it was prohibited for him, as an attorney, to talk with Mr. Moore, he had to discuss anything with his lawyer and he was not going to comment on anything that he says. He stated that he would do this though, he would read this memo to the City Council if that is what they wanted him to do.

City Attorney DeFoyd read a copy of February 9, 2012 Memo to the Civil Service regarding Civil Service. (Copy attached as permanent record) Mr. DeFoyd advised the council that if they had any questions, they could call him.

Mayor Nunez stated that she would like to apologize to Dawn Harris, who was the Liaison for Harris County Commissioner Morman that she had missed introducing her during the Mayor's Report.

COMMENTS FROM MEMBERS OF THE PUBLIC:

Mayor Nunez ask Council if they had any comments.

Council Member Garcia stated that she would just like to point out who Robert Hernandez was and ask him to stand up.

Council Member Diaz that she had mentioned at the last meeting that her sons were selling cookie dough and BBQ for the baseball league's fund raiser and ask Christopher and Nicholas to stand up. Nicholas announced that he was selling cookie dough.

Council Member Lee stated that he had discussed appointing alternates for these board earlier so he would like for the Council to consider that.

Mayor Nunez stated that we could do a workshop to discuss what they would like to do. There was general discussion about the number on the board.

Council Member Ochoa stated that he would like to thank Jacinto City Elementary for the fine gift they gave us.

Maria Harvey stated that she had been living at Big Bass for about two years now, this was her first meeting and she did intent on making more and she wanted to congratulate us for our city and the leaders of our city, God Bless you Mayor and Pastor Lee. She stated that because she had just

Law Offices of
DeFoyd & Associates, P.C.
103 Eastway
Galena Park, Texas 77547

Phone: (713) 672 7428

Fax: (713)
672 7420

Email: JimLDeFoyd@Hotmail.com

February 9, 2012

MEMO TO CITY COUNCIL REGARDING CIVIL SERVICE

In order to clear up any confusion regarding the requirement that the City's Charter mandates the adoption of the Civil Service Law set out in Chapter 143 of the Local Government Code I am writing this Memo for the City Council.

1. The City Charter states that upon reaching a population of 10,000 or more, the City shall adopt the Texas Civil Service Act.

A. The law in the State of Texas as regards to Civil Service (Chapter 143) only applies to Police and Fire Department employees. It does not provide for inclusion of the Civil Service law for any other employees of the City.

2. The City Charter is in conflict with Chapter 143 of the Local Government Code regarding the adoption of the Civil Service Act for Police and Fire Department employees. Under Texas law, the City Charter is overruled by Chapter 143.

In order to adopt Civil Service (Chapter 143) for the Police and Fire Department employees the following procedures are mandatory.

First, the City Council MUST receive a petition requesting an election that is signed by a number of qualified voters of the City equal to at least 10% of the number of voters who voted in the last City election.

Second, the ballot shall be printed to provide for voting for or against the proposition: "Adoption of the fire fighters' and police officers' civil service law". Chapter 143 may be adopted to apply ONLY to fire or police departments.

Thus, our Charter provision does not apply regardless of the population of the City. The City Council cannot enact the Civil Service (Chapter 143) without first receiving a petition from 10% of the qualified voters who voted in the last election before calling an election to adopt the act.

Hopefully, this Memo should help clarify any misunderstanding of the Civil Service act and the procedures for adopting Chapter 143 of the Local Government Code. If you have any questions, please call me.

Thanks.

Jim L. DeFoyd, City Attorney

cc: Jack Maner, City Manager
Joyce Raines, City Secretary

started a Big Bass Senior choir there, that was her passion, she loved singing and loved helping people. She thanked them for their support at their big fish fry last Friday. She advised that they were getting ready to go to Arkansas, they had a singing engagement there and they were all excited and so was she, so whatever they did to support them and just wanted them to know that she appreciated it. She stated that Ms. LaGloria told her to go ahead and ask them to be choir members so anyone that thought that they might like to learn how to sing and some of them might already know but on the first and third Saturday at 1:00 p.m. they had practice.

Robert Hernandez, 10245 Chadwick, stated the purpose of his speech was that he was with the Jacinto City Girls Softball Association and they were turning 40 this year and they were very happy to be turning 40 and were a long standing member of the community and he would like for all of them to come out and watch their games, they start March 24th as opening and go until June. He stated that there a lot of people that came before him and he couldn't have done it without them, that he was standing on the shoulders of giants and he really appreciated it and he was sure that we had people in the audience that had played, coached and sponsored and ask if they would stand up so they could give them a round of applause.

Mayor Nunez thanked him, stating that little league keep the kids off the streets and ask that everyone please come out and support the kids.

Donna Dailey, 1701 Chazen Dr., stated that she just wanted to thank all the Council Members, the Mayor, City Manager, City Secretary and City Attorney for doing the job, that they were very proud of them and this was not Patton Village and it was really too bad that somebody can come up here and throw out his accusation and then run out the door before we get to say anything back to them. She stated you know it is real easy to give hints of what you think and it not mean anything that we have had trouble makers in the past and she thinks we have one now and that was her opinion and she just wanted them to know that she thinks our city is above that and she thinks we are doing a great job and she was really, really proud to live in Jacinto City and tell people that she lives in Jacinto City because there is not to many towns you can call and say hey I got this going and I am kind of scared and have the Police Chief call you back and say hey is every thing ok, she didn't think that would work in Houston. She stated that she had lived here since 1973 and had problems with kids and her yard etc. and she had never felt like she couldn't pick up that phone and have some tell her they couldn't help her with that or that they could help her, they had always done something and they listen and she thinks listening is very important and she just wanted to thank them for it.

Herman McCoy, 10225 Fairfax, advised that he came on behalf of the Jacinto city Opry tonight to let them know that they were going to keep it going, that was Hershel's wishes, that he was the drummer there and they had good music and they did good last Sunday, they got close to \$4,000.00 and they still had plenty of things to auction and were going to keep Hershel's wishes to keep it going, he loved that Opry and they were all pitching in to keep it going and starting on April 13th, they were going to move from Saturday Night to Friday nights and that way they felt it was a little better because they had another one on Highway 90 on the same night and they would be able to get a big crown from each one. He stated that like Ms. Dailey said, this was a good city

and he had been here since 2005 and he did thank them for what they had done and we did have a good police department and they worked hard and he appreciated all of them.

Mayor Nunez thanked them very much and stated that she agreed with Donna and Mr. McCoy that we do have a good city, we have good departments, we all work hard and ask Mr. Vela to please not get the wrong impression of our city, there were some people who would come up and air their problems or concerns but this is a good city, we have a good fire chief, police chief, department heads library and public works working together and he was going to like it and pretty soon, he might become a police officer here, not just a reserve and we were looking forward to that and please be proud of your city because we all work hard to make sure that we are there for them all and you could just pick up the phone and call Mario, Carmela, Councilman Lee, herself or anyone at this table, even Joyce that she knew she was the one that gets 99% of the calls and right now she is also doing the court. She thanked everyone again and reminded them to be proud of their city.

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

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Joyce Raines".

Joyce Raines
City Secretary