

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

The Mayor and City Council met in regular session on Thursday, January 12, 2012 at 6:00 p.m. with the following members present: Mayor Nunez, Council Members Ochoa, Lee, and Gonzales; City Manager Maner, City Attorney DeFoyd and City Secretary Raines. Council Members Diaz and Garcia arrived after roll call.

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

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

REPORTS OF DEPARTMENT HEADS:

Chief Ayala advised that he had been gone for about two week and didn't have anything to report at this time.

Chief Squyres advised that it had been quite through the holidays and that was a good thing and we looked forward to the rest of a quite year.

Kyle Reed, Public Works Director, stated that he wanted to mention the generator project, that we would be getting new generators at Well No. 4 and also two lift stations. The pre construction meeting was held on January 4th and we were actually supposed to start working this past Monday, but we got some well needed rain, approximately 5 ½ inches. He stated that on the water line project, McKinney was awarded the bid and there was a little bit of delay with the County, as soon as they issue the order to proceed, we would be starting on the 300 and 400 blocks from Palestine all the way to Fairfax with new water lines and he was also sure that everyone had heard that City of Houston had lifted their drought requirements and so have we, but we still ask, as they do, that you be as conservative as possible.

Kim Bellotte, Parks and Recreation Director, stated that you could now bar-be-cue in the parks as well. She announced that it was time for baseball and softball registration and it had started at the gym this week.

Cindy Miller, Heritage Hall Director, Cindy announced that they started out the first day of this year with an ugly sweater contest and one of our seniors, Vivian Cole, won and Kyle Reed from the Public Works Department was the Judge and they thanked him. She stated that today they made tamales and had a good time.

Kim Bellotte stated that at the gym, on January 23rd, they were going to start citizenship classes, that one of our residents was going to start teaching them, it would be \$30.00 for ten classes for residents and \$35.00 for non-residents and he would get people ready to go take their citizenship classes.

MAYOR'S REPORT:

Mayor Nunez advised that Mr. Bill Carlton, a long time resident, former City electrical inspector and served on the Dangerous Building Board committee had passed away on Tuesday, viewing was from 6:00 p.m. until 8:00 p.m. tonight with services tomorrow at 11:00 a.m. at Carters' Funeral Home.

Mayor Nunez announced that the City would be hosting the Harris County Mayor's and Council's Dinner meeting on January 19th at the Town Center and ask Ms. Raines to please report on this.

City Secretary Raines explained that the Association was composed of approximately 28 cities in Harris County represented by the Mayors and council members of these cities and that we had hosted the meeting in the past and had received a good response from the cities and that we would be using the Culinary Arts Department from San Jacinto College to cater the event along with Christina Molina, a local Cater for the deserts.

There was general discussion concerning the meeting.

Mayor Nunez introduced former Mayor Chris Diaz, former Council Member Garey, former Council Member Ramon and Dawn Harris, representing Commissioner Morman's office.

Mayor Nunez advised that we received a late Christmas present from Commissioner Morman, that last Thursday, they called and wanted to meet with her, the meeting was set for Friday, January 6th and she was very surprised at what information he had to give us, we are going to get \$1.2 million dollars from the County to fix our streets and our people do not have to lift a finger, the only thing that Mr. Reed has to do is look at the list and if he feels that some streets need repair more than ones on the list, he can change the streets that are going to be done and he will also have a hot line for complaints and this is going to be presented to Commissioner's Court, along with the sidewalks on Holland, where the county will be doing all the work at no cost to the city. She ask what more could be expect from a Commissioner, they tell her he spent hours doing through all this paper work trying to see where he could come up with some money, that it was called Precinct 2 two better neighborhoods and he found out he had this money that usually goes to the industry so instead of it going to the industry he was going to give it to Jacinto City. She stated that was a Commissioner that was looking out for Jacinto city, that was willing to work with us and she would try to attend the Commissioner's Court meeting to really show our appreciation and the project would probably start in March. Mayor Nunez stated that she had talked to Mr. Squyres in regard to the trailer parks because she was concerned that when they put the new sidewalks on Holland the people from the trailer parks would be using them as a drive way and he is going to look into having Mr. Hicks erect a fence on Holland to prevent this. She stated that if you went by the trailer parks on Lane and Holland, you would see that a lot had been done and we were working hard to see that Jacinto City would be looking good and it was really a plus for us that all of us could work with our Commissioner and we appreciate what he is doing for us.

CITY MANAGER'S REPORT:

City Manager Maner stated that things were going well in the city, you could look around and see that and he did want to take a personal note, that he knew that he looked funny tonight, that he had to have a little surgery Tuesday but they assured him that when these come off he would look just like Brad Pitt and he was looking forward to that.

There was no Unfinished Business.

NEW BUSINESS:

Mr. Jim Moore, 4400 Sherry Lane, Crosby, Texas, stated that he was one of the Crosby boys and it looked like they were taking one another out as they were going but he would like to address this to the Council but he would like for it not to be part of his ten minutes because they knew he was terminated this year but he would like to thank some people here. He stated that he wanted to thank the Council for what they had been doing and working with them and especially himself, he loved it, he came out of a paper mill where it was totally different, he was over on the union side of it and he came over here into the supervision side so he knew both sides of labor. He stated to the citizens, he wanted them to know they were the best out there, they supported them, had been with them and they had done their best to do everything they could for them and he had been there with them, it didn't matter what it was, like it or not, he was there and he wanted to thank them, without having the right people in the right place, you have the wrong people in the wrong place, you have got some problems and you have got some people in this city in the wrong place and he would bring that out because there had been an awful lot of things going on in this city and people know it, like Ramon, the Ochoas, other people, they know what has been going on but you know what, they didn't have any evidence and now you had somebody inside that got terminated, well guess what, he had more dirt than you could ever think of and he was just going to share some of it with them, no all of it but some of it because he was advised not to because some of it you had to hold, that Jim, being a lawyer, would tell you that you were not going to put all your card out on the table and ask Jim if that was right. He stated that he wanted to start with a couple of things here and the Charter would be the last thing he would bring up because he didn't have much time. He stated that four years ago he started having problems when they were made supervisors out here, you had two supervisors that were salary and you had one that was hourly. He stated that four years he had been working with Mr. Reed to try to get that straightened out and not one time has he tried, never, he said he would get it next year, give him time and next year never happened and four years down the road here we are, a new year come in, we had an altercation, just an argument and he was terminated. Mr. Moore stated that he got a letter from an employee, no name on it because he was scared he was going to get terminated and we had a lot of employees here that were scared not to come in because they were going to get terminated and this employee here had been to Mr. Reed many, many times about getting out of the water department because of the supervisor over there. He stated the supervisor was like his right hand, they try to figure out what has this guy got on Mr. Reed, he must have an awful lot because he is still doing the same stuff, his attendant for his house is Mr. Reed, he rents from him, his wife babysits the grandkids a lot of times, they have a real close connection. He stated he had talked to Mr. Reed over and over about it, the playing field wasn't the same when we have to come out here on holidays, the salary people work for nothing but what they were getting their salary for but the hourly ones got time and a half and after four years of this keep working and going, you kind of say come on, let's straighten this stuff up, let's get it right, it's not fair, the playing field is not fair. Well that is what brought it to a head this year, still nothing done and we will take care of that issue later down the road, so he wasn't going any further with that other than this gentleman here that wrote this and he had no idea who he was, he claimed that he went to Kyle Reed several times about getting out of the water department and he never did even take it to Mr. Maner, not one time did he ever approach Mr. Maner about wanting to come out of the water department. He stated that he had been here almost eleven years and not one person had been able to stay in the water department, they have all left that water department, they have either been transferred, fired or quit, because of Mr. Reed and the other supervisor that is over water and this guy right here said he loved it, he wanted to stay but he couldn't do it, so with that, he didn't even know who he was, he could guess but he was not going to say.

Mr. Moore stated he was going into some other stuff, that there was a lot of illegal stuff going on in this city, a lot. He stated you have contractors coming in, can't prove none of it, can't prove that Mr. Reed has a contracting company out here in the city, can't prove it, seen money exchanged, can't prove it, sticking in envelopes, can't prove it but seen it, not only him but other employees, other people in the city, he had seen it and all he could say was, let him give them a good example, he didn't know how much time he had but he had a good example, this was how Mr. Reed thinks, in Crosby, they call him do nothing Reed, well he learned an awful lot in Crosby because he brought it over here and started using this city and making a lot of extra money on it and stated, let him give them one, he stated that we had a backhoe that we traded in for a new backhoe and he thought we got \$2,800.00 for the trade in and he goes back and gets the backhoe, gives them \$2,800.00 so he was sure there was a deal cut there for him to go buy it and bring it back and then he take that backhoe and we have stuff out here and he has got some other people who works in the city using the backhoe, renting it from him and making money, now if it was that bad that we just got \$2,800.00 for it and your using it in the city, why did we get rid of it for, case in point, after he got finished and it all happened he turned around and sold it to one of the employees. He stated that was one, to let him give them some more, these he threw out there because the big ones he's got, the good ones he has on him are in writing, they were there and he would deal with them in another way, but the ones he wanted to drop off were these right here for them to deal with, they could do whatever they wanted with them. He stated that he had another one, bobcat, he had a bobcat sitting back there, no track hoe, sorry Mr. Reed but he brought it upon himself, got a track hoe, come up gone, where was it at, he stated he knew where it was at, it was over at one of his friends house, he was using it, he absolutely knew where it was at and not only did he know this but people are too scared to talk about this but if you ask them they are going to know it. He will take it out and use it not more than once, twice, he has done it. He stated just like people being trained, qualified people to be trained to do the water, TECQ, he was in violation, he stays in violation, come on (Mayor Nunez advised Mr. Moore that he had one minute left) Mr. Moore stated this was what he was going to end up with, that there was an awful lot more stuff that he could do but it would go in a different channel. He stated this was to Jack Maner, he addressed Mr. Maner saying that when he terminated him, that when he agreed that he couldn't find nothing in the charter (City Attorney DeFoyd stated that Mr. Maner couldn't speak to anything in regards to personnel) Mr. Moore stated let him do this then, if for ten years they had been in violation of this charter on civil service, ten years, he stated the census stated back in 02 there was 10,100 and something people and the census that has come out now is 10,500 and something, they know it, changing the numbers or something.

Mayor Nunez stated his time was up and ask the council if they wanted to give him more time. The council allowed Mr. Moore more time.

Mr. Moore thanked them and stated that when you bring some people in here from the inside that had a little snap, you know what is going on, like this charter, this charter is very important and the reason he mentioned this to Jack was that if this had been in place, chances are that he would have had another route and someone else to investigate what happened between Mr. Reed and him. Mr. Maner stated that only applied to Police and Fire Department. Mr. Moore replied that it said to all employees of the city, it doesn't say that so it's wrong, that is what it say, sorry, it says every employee in the city so He stands on his but what he is saying is it doesn't matter, instead of one, everybody would be represented from the police department all the way back down and it would do great for you citizens because you would have a bargaining tool too to see that everything was done knowing that you have

another party out there watching what is happening and it is being done properly in the city. He stated that he wanted to say something about Ramon, he didn't like what he was doing, he was one of the vocal ones against Ramon but in the same time he had to sit over there and bite his tongue because what he was saying was true but the problem is, with him, when he was doing it, he didn't have nobody to back it up and didn't have anything to come forward with to them, he did and he wanted to tell Ramon he feels sorry for him, he got railroaded and let him tell him something else, if he was inside and had know and the reason he got on him about what went on was because he didn't like what he was doing to public works about taking pictures and all this and that but he understands that when you are out there by yourself trying to fight the cause and he hopes that after this is all over with, because he loves this city, this is not done, this is not over, this is just the beginning, he was going to help them, he was going to fight from here on out, he was a retired individual, he picked on somebody that did something that could live without having to work for the city or somewhere else, he is ok, he can go and he was going to be here fighting for them in this city and the workers, he wanted to thank them because without them none of this could be possible anyway out here, it wouldn't get done. It was not Mr. Reed that done it, it was the employees that has done it. He stated that was all he had but he wanted to thank everyone of them, he had enjoyed it but let him tell them what he had one more thing that he wanted them to see and he wanted to give it to them and let them pass it down that he had an awful lot of other stuff here but this was very important to him and it should be very important to them when they were reading it. He advised that it had a statement from Chief Ayala when the tables and chairs were taken and he just wanted them to look at Mr. Reed's statement and then he wanted them to look at his statement and the reason he was bringing this up was because he needs this when he goes forward, it was to establish his credibility to Kyle Reed's credibility and this will show, if you read it, (Council Member Ochoa ask for a copy) Mr. Moore ask that they allow him to go ahead and explain all this without having to read all this. He stated we know all about the tables and chairs, that was something that hadn't left us yet but you know what, it was a good thing for him, he was glad that he told the truth, he was glad that he didn't hide nothing. Mr. Reed said he didn't know a thing about tables and chairs going out, he didn't know nothing, everyone in the city knew he knew but, he in front of the chief, put this out there in writing that he didn't do it, hey, he was his second in command, he knew he was doing it, not only that, we had a cook off team and we used every table and chair in the city, he knew it, come on. All he could say of the man to be so smart to bring this kind of stuff out and to take his number two man out who has so much stuff on him, that is pretty bad. Obviously to him and he wanted to go ahead and thank you, Mr. Maner, for terminating him because he thought somebody up there says, don't question it, because another door is going to open up for you, but he wanted that in the record right there because this shows the credibility between him and I on my proceeding further. He stated he loved them, they had been great to him and if there was anything he could do in the future he would do it for them but you have got civil service that you have to deal with and make sure it is in the minutes over there, that he knew it was that they were going to have to deal with that, they were in violation right now. There was a lot of other things that was in violation but he wasn't going to bring it up, he was not dirtying the water here but he was going to do this because he felt like what it stated in there he would have had an opportunity to talk to somebody else, a third party was always best but again he just wanted to thank them. He stated that he did believe, Mr. Reed, sorry Mr. Reed but you are not an asset to the city, he was a liability.

Mr. Larry Schion, 506 Harecook Road, Crosby, Texas, stated that he was here 40 years and he went way back before Mr. Kyle and Mr. Jim and you know our city hasn't always run probably like it should but it

runs and we get by. He stated that he had known Kyle since he had been here and he had known Mr. Jim since he had been here and the deal with firing Mr. Jim under insubordinates, that is a big work, it can be for somebody telling somebody something dirty and not really meaning it, that he had heard all the workers use dirty and vulgar language with each other during the construction business and it happens, he does it too and he has known Mr. Jim since he has been here and when he lived here, he had sewer problems running down his fresh water and he talked to Mr. Jim and he talked to Mr. Reed and both of them always got the things done for him, he liked both of them, although if you have someone who is a supervisor and someone who is a superintendent, to make a city run smooth they should have some kind of bond to where they don't cuss or hate or lie or cheat on each other. He stated that he liked Mr. Kyle and he liked Mr. Jim to, he spoke with Jim on it, there might be some things he didn't tell him on it, he didn't know but he wanted to start looking into these things and see, looking for documents through employment records to see if he had ever been complained on before and had wrote up and warned because he didn't think someone needs to be fired for telling a boss the way he feels, he thinks that is good communication if it is not aimed directly at him and it is work related and it is going to get things done. There may be a whole lot more to this situation than he knows, and he is going to look into it and he is going to see how many times, under the open records act, that he has been wrote up for the things that he is doing, if it shows that he has been wrote up a lot, he was going was going to expose that with you and if it shows he wasn't wrote up a lot and just fired, He didn't think that was fair. He stated that he told him about the hourly thing with Mr. Bernardo and I don't know how much he makes but probably \$18.00 to \$22.00 an hour and then if you are in on the weekends it jumps up to about \$33.00 an hour versus someone that is salary. The salary guy doesn't make as much money and he comes in and does the same work so all this is a big tie in and he didn't know because he moved to Crosby, he use to be really heavy into this and knew a lot and now he didn't know as much but he wanted to try to figure it out and one thing he would like, when he lived here and whether he did or not didn't really matter, the employees had to get along together, whether its Kyle or Jim, you shouldn't fire one unless you fire both of them because if both of them had words then both of them were involved and he was a fair guy and he had worked for people all his life and he had been fire and it was a terrible feeling to think that you didn't do anything and I got fired and with that standpoint, he wished that everybody could get along here without getting people fired because when we worked on Mr. Ramon, he wasn't real happy about everything that he did but it was just part of what you have to do and the reason he did what he did was because it was making too much turmoil and so he didn't want to see it pass from here to out here with the city workers and he would like for somebody to reconsider, he didn't know if they could or not, didn't know if they even won't too but the things he says he know is a lot of stuff and it really could hurt our city, it could hurt Mr. Kyle too, he didn't know what he had but if it the rest of it was similar to what he had that could make everybody in the city look bad. What he would like to see is when they have problems that both of them come in front of the council, not just the city manager, but the council because there is certain people here that hire and fire, they say it takes three to hire, four to fire, he didn't know and that might just apply to you'll but he would like for the council to, at least, listen to what Mr. Jim and Mr. Kyle said about the arguments they had and was it worth firing someone of his caliber and his position because that was a high position and it concerned him and he has always tried to fight for the little man, he believes that sometimes people can't stand up and say what they mean and he had been chosen many times to do that but he wished that they would reconsider on Mr. Jim because he know him, he has always took care of every problem that he has ever ask him, he has seen him working out in the streets and in the rain along with all the other employees

and it was just hard for him to believe that Jacinto city would let someone like Mr. Jim go over a verbal type difference and because it has, we are going to have to listen to what Mr. Jim brings up about the things that are probably going to ruin the city, he didn't know but wished they would reconsider and give him his job back, he didn't know if that was possible but that is what he would like to see because he didn't think that someone tells someone how he feels in the workforce he didn't think they should be fired for that. He stated that some people are afraid to say it and Mr. Jim was not and he knew that Mr. Kyle was not either and neither was Bernardo, they tell you what they mean and when you are telling people what you mean, if there is some verbal cussing in there, then sometimes you have that so what he would suggest or like to see was that, if it doesn't help with Mr. Jim, in the future, if people are having words, separate them and let them keep on, that this kind of reminded him of an old administration when the other city manager was here, when it got time for people to retire, they would be gone, they didn't have a chance, that was a way to get rid of people and he fought against that back then and he still had that same feeling now, that he didn't know where to go but he hoped they could work it out.

Marnia Hernandez Quiroz stated that she had been here several times because she was a community leader and activist so you would see her time and time again. She stated that her interest in this meeting tonight was, number one, if they could get the location for the Mayor and City Council dinner. Mayor Nunez advised that it was going to be at the Town Center on Oates Road, that it starts at 6:00 p.m and you could pay at the door, it was \$35.00. City Manager Maner advised that you had to make reservations and the Mayor ask about the dead line and was advised that it was today at 5:00 p.m.. Ms. Quiroz ask if this was the first time we were advising the city and was informed that this was not a public function and it was paid for by Harris County Mayor and Council, not the city. Ms. Quiroz stated yes but to attend for \$35.00 (Mayor Nunez advised that this was paid to Harris County Mayors' & Council's Association, not the city. Ms. Quiroz ask then who is invited and City Manager Maner stated it was an association and members were invited. Ms. Quiroz ask who the members were and City Manager Maner advised all the Mayors, Council Members and staff of the various cities.

Council Member Ochoa stated that we could bring a guest, or two, or three or ten, as many as you wanted to pay for and we have that once a month and you could call city hall to see when that was happening and we could make arrangements by inviting her.

Ms. Quiroz questioned Mayor Nunez about the 1.2 million dollars that she mentioned our Commissioner and ask the Mayor if she would state his name. Mayor Nunez replied Commissioner Jack Morman. Ms. Quiroz ask if he was the one that replaced Commissioner Garcia and was advised he was.

Ms. Quiroz stated that her request would be if someone else or herself could read the letter that Mr. Moore had passed on to the board.

City Attorney DeFoyd stated that the Council shouldn't be involved in this, that it was a personnel matter and we can't talk about it here, it was against the law, we can't talk about personnel here, now You could have a closed session and talk about personnel if they want but we were not going to talk about personnel in this open council meeting.

Council Member Ochoa stated that he would like to ask a question, they were going to have one of these, was this going to go into a closed type of meeting or was this public record. Jim advised that it was public record.

Council Ochoa ask if you could request this through open records and City Attorney DeFoyd stated yes, make an open records request and anything that comes across this table is public record.

Ms. Quiroz stated that she also wanted to share with them, that she was not real sure what Metro provided as far as transportation, but Metro was making some decisions to delete some bus routes and it was Galena Park, Jacinto City and Pleasantville and she was at a meeting last night but she had been ongoing with the meetings and she wanted to inform them that Congress Woman Shelia Jackson Lee was on top of it as well as State Representative Ana Hernandez, State Representative Jessica Farrar and it was impacting a lot of people, students, people who work in this area trying to get to their employment on the outskirts of town so there was a lot of information that was being funneled and decisions being made but as a leader and activist for the East End, she knew that it was imperative that we get on Metro's website, stay informed because it does impact the minority lower income and senior citizens. She stated that we have a senior citizen home in the area and they can't attend their medical needs because their mode of transportation is Metro so she would like for them to come on board with them and see what they can do as an individual or just as a citizen with your neighboring City of Houston, people were in need of their assistance.

Mr. H. G. Wooten stated that what was said about the civil service was correct and it had been that way for years, they tried to get it changed around and it wasn't, he didn't know why and he agreed with that but he wondered about all this other stuff that was mentioned up here, he was not agree with it, he didn't know anything about it but why did it wait until now to come out on the table, why didn't someone come to the city council and let them handle it, that was their job, he had no idea why not but he didn't agree the practice of getting up here and just talking about it up there and bringing it out to the public, they should have took it to the city council and the city attorney, investigated it and see what is taking place.

Mr. Jose Ramon, 10811 Munn, stated it was up to the council now to investigate those charges and he hoped they were aware of that, Mr. Moore had taken a big step so now everything he was saying was right and there is more behind that and some of them know that, some of them don't know that but they had the power to investigate and he hoped they did, there was criminal charges behind this stuff so he was glad that he had the courage to come forward, that most employees were afraid. He stated that one of his goals was to implement civil service for the police department because he knew what happens when you don't have civil service, he had been employed by agencies that didn't have it and you just get fired by supervision, in this case he guesses the City Manager can fire the employees, the Supervisor Mr. Reed can recommend it but Jack made the final decision and ask Jack if that was right.

City Manager Maner stated that his decision was not to override Mr. Reed's decision.

Mr. Ramon stated that Mr. Reed made the recommendation but the city manager make the final decision to fire anybody except four people in the city, and ask if that was right, he advised them to

think about it and if you want to be fair with these employees don't just tell them, do it and do the civil service, they were getting paid to work. Mr. Ramon ask Ms. Garcia if that was her department. Ms. Garcia replied that she was the representative for the Public Works Department. He advised her to get to work. Ms. Garcia ask him to hold his comments.

Mr. Larry Schion stated he had forgotten something and Mayor Nunez advised him that he had one minutes left on his time. Mr. Schion decided he would hold off until the next time.

Mayor Nunez adjourned the meeting at 6:50 p.m..

Respectfully submitted,

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

Joyce Raines
City Secretary