

## COUNCIL MEETING, THURSDAY OCTOBER 27, 2011, 6:00 P.M.

The Mayor and City Council met in regular session on Thursday, October 27, 2011 at 6:00 p.m. with the following members present: Mayor Nunez, Council Members Diaz, Lee, Garcia and Gonzales; City Manager Maner, City Attorney DeFoyd and City Secretary Raines. Council Member Ochoa absent due to illness.

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 passed on the Police Department report.

Chief Squyres passed on the Fire and EMS report.

Kyle Reed, Public Works Director, advised that the mosquito problem was bad, they had a problem with the truck but it was repaired now and they were spraying. He stated that we were getting no help from Harris County.

Mr. Reed stated that we were getting a reprieve on the water leaks which was giving us an opportunity to repair yards and pour concrete and they hoped to be able to start repairing some streets soon and cautioned that this would only be patching.

Kim Bellotte, Parks and Recreation Director, announced the Pumpkin Fest for Saturday night and some of the activities were the costume contest, a costume contest for dogs, pumpkin decorating contest. She advised that we had a number of vendors participating With different types of booths and ending with the movie. She encourage everyone to bring their lawn chairs or blanket and come out to enjoy the fun.

Cindy Miller, Heritage Hall Director, announced that the seniors would be having their costume contest and party on Monday.

Mayor Nunez advised Cindy that she had received a letter about a 10% cut by Area Aging and ask how this would affect our center. Cindy stated that she and the City Manager Maner had met on this and would go month by month and address it as necessary.

Mayor Nunez introduced Mercedes Eastep, the Director of Helping Hands. Ms. Nunez stated that she had delivered a pallet of coffee to Helping Hands and they were having a lot more people sign up for food due to the economy and so many people out of work.

She thanked Kim Bellotte and Council Member Garcia for getting cans out at the businesses and advised that Ms. Williams, GPISD, had ask her to help get the word out that the were hosting a luncheon to honor our veterans on November 11<sup>th</sup> from 11:00 a.m. to 12:30 p.m. at the Administration Building. Ms. Nunez stated that she and Council Member Garcia had attended the Rotary Club's Million Dollar Luncheon and had a good time.

City Manager Maner advised how much we had paid City of Houston for the water we buy from them the last few months and that at some point and time we would have to consider possible rate increase.

Mayor Nunez advised that she, Lon Squyres and Mayor Barrett from Galena Park had met with the Port of Houston and the Corp of Engineers regarding the construction that was going on between Jacinto City and Galena Park and that Lon had been appointed as contact person for both cities regarding work being done on the spoils area and ask Lon to discuss this.

Chief Squyres advised what they were doing at the spoils level and how it would affect both cities. He stated that they had ask the Port about the possibility of them building a hike and bike trail across the high road for use by both cities.

#### UNFINISHED BUSINESS:

1. City Attorney DeFoyd read the second and final reading of Ordinance 2011-5 Setting the fee for garage sale permits.

Council Member Gonzales stated that he knew we had workshops on this and the City Manager suggested we needed to raise fees and he understands that a lot of people depend on garage sales and he would like to see a cap on this so that it could not be raised again for a certain time frame.

City Manager Maner stated that he understood that people that have garage sales don't make much money, they are only allowed four garage sale a year and this would only be an increase of \$20.00. City Manager Maner stated that if the Council chose not to do this, he certainly understood but he thought it was reasonable and he thought it was one of those opportunities where since it was a user fee, the user pays the fee rather than everybody in the whole city, it won't make a tremendous impact on our budget one way or another but he did prepare the budget with this in mind.

Council Member Garcia commented that rather than focus on how much it has increased, she was sure there were other ways that we could find a solution to it so that the \$5.00

won't be felt by one person, she just things that we need to focus on the fact the city needs to run like a business.

A motion was made by Council Member Gonzales and seconded by Council Member Garcia to approve Ordinance 2011-5 setting fee for garage sale permits at \$20.00 on the second and final reading. Vote: 4 For 0 Against

#### NEW BUSINESS:

1. Ms. Tammy Carter stated that she was here representing the 2011 Jacinto City Charter Review Commission and had been chosen as Commission Chairperson. Ms. Carter introduced the member of the commission: Ray Fernandez, Damus Garey, Javier Hernandez and Robert Hernandez. Ms. Carter stated the Commission held meetings on July 19<sup>th</sup>, August 2<sup>nd</sup>, August 9<sup>th</sup>, August 23<sup>rd</sup>, September 6<sup>th</sup>, September 20<sup>th</sup> and October 25<sup>th</sup> and that public comments were heard on July 19<sup>th</sup> and at the public hearing on August 16<sup>th</sup>. She advised that in addition to the members of the Commission, City Manager Maner and City Attorney DeFoyd was present at each meeting.

Ms. Carter advised that the Commission reviewed each Article of the Charter section by section to insure thorough review, researched other home rule city charters, reviewed State laws, reviewed concerns heard from the public and legal research was done by the City Attorney.

Ms. Carter stated some of the concerns presented by the public were out of the scope of their duties and were items the council might want to consider and review such as ethics committee, abandoned vehicles, parking in yards and council members having access to city property. She advised that some of the concerns of the public were researched and found to be issues the city could not legally enforce, such as published background checks, public results of drug screens and nepotism.

She stated the document submitted by City Attorney DeFoyd included the proposed revisions of the city charter they would like them to review for placing on the ballot in the next general election and most of the changes reflect State Laws and Regulations or are changes that reflect the reality of today, whether that be city structure or new technologies.

Ms. Carter went over each proposed change to the city charter and explained the reason the commission felt the change was needed. (A copy of the proposed Charter Changes are attached for a permanent record).

Mayor Nunez thanked Ms. Carter and the Commission for doing a good job.

Council Member Garcia stated that she had attended every meeting and she had seen them work hard on it and everything they had here was reasonable and was in the best interest of the city.

Council Member Gonzales stated he believed we nominated these people in good faith, knowing that they would do a good job and they were well informed of the changes that needed to be done and he thinks they accomplished that.

Mayor Nunez stated the meetings were also announced on the marquee so they could have public input.

City Manager Maner advised this item was on the agenda tonight just for presentation by the committee and so the council can consider it and at some future meeting put it on the agenda for calling an election.

2. Chief Squyres advised this was what we had all been waiting on for a long time, this was the 3.41 million dollars infrastructure money that we had been trying to push heavy on and we had gotten past all the federal regulations, all the changed organizations, we are on the fourth state organization that oversees the grant for us and now it is the GLO that oversees the grant so we certainly advise the council to go ahead and advertise this, that it would be advertised in the Chronicle Weekly and he believed it would be coming back on December 8<sup>th</sup>, the environmental review had already been accomplished and we would be getting the final ruling on it before we accept the bids and we hope to be in construction on this sometime early in the year and we have until September 2012 to finish these projects and before he passed this back to council, he would like to advise them that we just got word on some remaining money that was out there on which there was a fight with the housing authority group, etc. and we just got notified that we will get at least a minimum, and it may be the minimum but could be more because our city has jumped through the hoops and done all the things the right way and half the cities haven't and if they get declared ineligible there is another 5.5 million that will be divided up and our number could be anywhere from as low as \$775,000. On up to double that so we know that we are going to get \$775,000.00 for additional infrastructure projects and hopefully in the next several months we will be coming back to council and asking to go out for bids for additional projects. He explained what the four project we would be going out for bids tonight covered.

Mayor Nunez ask Chief Squyres if the second project he talked about was a grant also.

Mr. Squyres stated yes, it was a HUD grant for Ike Recovery and it was interesting, we had to have this done fast, at the last minute, they threw out this two week dead line to

appoint this work group and do all these thing and fill out this massive form as to how the city is going to make sure we handle fair housing right, everything we do, every breath we take from now on we have to consider what they call a Fast Form. He stated that Ms. Raines and he went down to this big meeting, got the form fill out, sent in and in the future, when they tell us what their thoughts are on that form, we will have to revise it, have a work group meeting, a public hearing etc. just to stay in compliance so we can get these funds and half the cities in Harris County didn't so we are ok.

A motion was made by Council Member Garcia and seconded by Council Member Diaz to advertise for bids on four GLO Hurricane Ike Infastructure Projects with bids due back on December 8, 2011. Vote: 4 For 0 Against

3. A motion was made by Council Member Lee and seconded by Council Member Garcia to approve Resolution 2011-14R casting ballot for the election of city's nominee to the Board of Directors of HCAD. Vote: 4 For 0 Against

4. Mayor Nunez stated that Council Member Ochoa had ask for this item to be placed On the agenda for discussion on naming one of the ball fields Memorial Field.

A motion was made by Council Member Lee and seconded by Council Member Gonzales to table the discussion on renaming the ball field until Council Member Ochoa was present. Vote: 4 For 0 Against

#### COMMENTS FROM MEMBERS OF THE PUBLIC:

Maria Osorio, 10325 N. Lacrosse and Mrs. Alanis addressed the Mayor and Council concerning a problem they were having with their neighbor at 10329 N. LaCrosse, stating that they feared for their lives, they had called the police numerous time and it took ten minutes for them to respond and they would appreciate some help, they outline the things the neighbor did to harass them, that in May he had gotten in trouble with a marijuana charge and he had shot three or four cars down the street in their block and the only thing she fears for is her children and she would appreciate it if they would help with that man, that was what we were here for was to help each other.

Mayor Nunez ask Ms. Osorio how long this had been going on and she replied since May of 2011. Ms. Osorio discussed the boards that he had up against her gate, etc., she stated she had not made a report of this because nobody did anything and she was fed up with this man, nobody does anything. She stated that she and Ms. Alanis talked to Chief Ayala in July and her question was to anybody that could answer it, how did the man, Mr. Herman, know that she and Ms. Alanise went to speak with Chief Ayala and the reason she was saying this was because by that Saturday, he confronted her husband about

them speaking with Chief Ayala and if he knew that, what else does he know. She stated they moved into this section of the city because they wanted peace and she can't even go out to her back yard, they need help and that is what they are here for.

Mayor Nunez stated that we appreciated her coming and ask Chief Ayala if he had any comments.

Council Member Diaz ask who was Ms. Rivera, was she related to Mr. Herman and was advised Diana Rivera was the daughter of Ms. Rivera who owned Rio Grande and Mr. Herman lived with Diana Rivera.

Chief Ayala stated that he was here to address the situation that had been going on in the 10300 block of N. LaCrosse and he wanted to say first of all that we are here to serve our community and anyone else and we are going to do our job and if there is an issue that maybe one of our officers didn't do their job, he did want it brought to his attention, that they also had a policy and procedure to turn in complaints against an officer, they could be put in writing and he did want to add that he understood how this was an on going problem, that he did send a certified letter to both subjects that are living there at that residence, they had issues, they wanted to meet with him, they wanted to meet on the other side of the freeway and he chose not to. He explained about the public information form where individuals can request certain information on complaint calls. He stated that that he sent them the certified letter because they stated they were tired of the harassment and they had an attorney and he told them they were welcome to come and meet with him at the police department between 8:00 a.m. and 5:00 p.m. and he understood from their conversation that they had the services of an attorney and he would be available to them and their attorney and should she not be satisfied, she might want to contact the Harris County District Attorney Civil Rights Division or Federal Bureau of Investigation in Houston if they felt we were not doing anything, they chose not to come and meet him. He stated they were not related to him, that he did work at the Rio Grande years ago as a side job and he would tell them that Mr. and Mrs. Rivera were his son's God parents and he had no relationship with Diana Rivera or her friend. He stated they did know the situation they were dealing with, we have had 23 calls between February 20, 2011 and October 13, 2011, everything was documented.

Mayor Nunez ask who the calls were from and Chief Ayala advised from people complaining and they initiated from those calls, criminal trespassing, two charges of criminal mischief and he went to county jail on possession of marijuana, there had been seven citations issued for traffic or ordinance violations, and they have another criminal violation and another ordinance violation pending, every time we go get a call and go out there, they are out there with cameras, everything is being documented and he can tell

them they are going to do their job but they are not just going to take someone and cuff him and put him in the car or take him out of his house, they couldn't do that, they will get statements and initiate the investigation, they would call the District Attorney's office and get a warrant and pick him up, that sometime it may be a safety issue at 1:00 or 2:00 in the morning. He stated they do go down there but they have other calls, prisoners to process etc., but we have done our best and would continue to give them the protection they deserve and he welcomed them to come to his office any time to discuss this matter. He understands the situation but they have to be very careful in how they handle the situation, he can't afford to put the city or department in a liability situation that we will regret later.

Mayor Nunez asked the Chief if what he was trying to tell us was that all these charges that they had filed against Mr. Herman have been charges where he goes and spends one or two days in jail and is out and this does start from our police department.

Chief Ayala stated that the way the system is right now, the people go to county jail and they consider it a non-violent offense they will give them 75 days and they will be out in 20 days. There is a bond they post and before we finish all the paperwork, they are already out but that is not our fault and he discussed other things they were working on.

There was general discussion between Ms. Osirio, Chief Ayala and the audience regarding the response time of the officers, what was not being done and why the police department had to go through the District Attorney's office to file charges. Etc. and what could be done to help these people.

City Manager Maner stated that the lady came to his office about the marijuana growing in the yard there and he brought the Chief and Detective Walker in on it, it was handled promptly, charges were filed and the people went to jail but they had to realize that the police also have to obey the law and just as she has rights, even the bad guys have rights. He stated that he had talked it over with the Chief several times and he firmly believed that the police department was doing everything they could legally. He wished that he could tell her that the Chief could have a police officer sitting there in her block all the time but we just couldn't do that.

Ms. Osirio questioned the ten-minute response time again and City Manager Maner stated that was unusual, that our normal response time was 3 minutes and that he was not making light of what she was saying but there might be times when they get multiple calls at one time and a domestic violence would take priority over a loud noise call and about 95% of the time on a loud noise call by the time they get there the noise is gone and he did firmly believe the police department was doing the best they could.

Ms. Osirio stated that sometimes she could see the policemen at CVS, Valero or the bank and they still take 10 minutes to get there.

City Manager Maner stated that we did want our police to respond to every call the best they could. There was general discussion regarding the response time and how they handled the call while on the scene.

Chief Ayala stated that he did want to know the date and time she was talking about if she had that.

Mayor Nunez ask Chief Ayala if she was understanding that Ms. Alanis was saying that he had a written complaint with the time and date, did we have a record of that. Chief Ayala advised that we should have that.

Council Member Lee stated that he knew it was flustering for her with everything she had been through and she felt like nothing was being done or it was taking too long and he had talked to the Chief about this case and he was interested and he was concerned and if she would work with him, communicate with him and document these things and let him know, he would do what he could to take care of it, but it did have to be done correctly, the man does have rights.

Ms. Alanis stated that her son was afraid to go feed their dog.

Council Member Garcia ask Chief Ayala how many officers were on patrol at night, was there a certain number every night. Chief Ayala replied there would be three to five officers depending on the day.

There was general discussion and City Manager Maner stated there were some things that you just couldn't do anything about.

Council Member Garcia said Chief Ayala reported 23 calls between February 20<sup>th</sup> and the 13<sup>th</sup> of October and during the summer she had gone with Oscar to Chief Ayala's office to try and figure something out and about three week ago she received a call about 10:40 p.m., same situation and when she had talked with the Chief back in the summer, he stated that he needed the proof in order to file charges against this person so this time when she met with them she advised them to keep reporting because we need to have stuff on file, they need to have their camera ready and get the video and they did exactly as they were supposed to this last time and one of them was an audio where the man was running his motor cycle, you could hear the loud sound and another one was actually a video where he cursing and running really fast and that helped and if she wasn't mistaken, the fence was the reason he went into jail and he got out on a bond and this other thing that Chief



Ayala was mentioning, the nuisance abatement process. Chief Ayala advised that you had to have certain elements before you could file that and explained the process you had to go through.

Mayor Nunez suggested they go back and talk with Chief Ayala concerning this problem.

Mr. H. G. Wooten advised them that most of their problems were civil and to get a good lawyer and take him to court.

Dina Gonzales, 10502 Oswego, stated that her daughter was a senior this year and they were selling cases of coke, water and sprite as a fund raising activity and she would be here after the meeting if anyone was interested.

Mr. Schion advised Ms. Osirio and Ms. Alanis to call every time something happened, put up cameras and no trespassing signs.

Debra Morlock stated that she just wanted to say thank you to Lon because her grandson came home from preschool and taught his three year old cousin how to stop, drop and roll and cover their throat so she thanked him.

Donna Dailey thanked the fire department also for going over to the preschool because she had a grandson who was three years old and he was really impressed, and was going as a fireman for Halloween. Ms. Dailey ask Mr. Reed about the levy and wanted to know if this was going to be a health hazard to us.

Chief Squyres stated that he thought he could answer that and explained the process they go through to make it safe.

Ms. Dailey stated she wanted to thank the Jacinto City Mosquito Control because a lot of Cities are not spraying at all, we needed to take advantage of what we have and appreciate it. She stated that she did not feel that we need to change the name of our fields, they were named for a purpose, that if we need to do something, we could do a plaque, we have to be practical, not ruled by emotions.

Mayor Nunez stated that she was sure that the council would take this into consideration.

Tammy Carter stated that she just had a question about something that was brought up some time ago about the stop sign on Market on how far they are from the intersection that you stop and then you have to pull forward again and stop and she hadn't heard back, if it was discussed at any other meeting, if it was addressed and if we were changing that.

City Manager Maner advised Ms. Carter that he didn't remember that. Ms. Carter stated that another citizen brought it up and was talking about on Market on either side that you had to pull up and then you had to pull up again to be able to pull out onto Market.

Mayor Nunez ask Chief Ayala if he remembered that and he stated he recalled something like that, he believes there is someone once or twice a year with the State that comes down and makes recommendations to the city where yield signs or stop signs are needed and where they are to be placed.

City Manager Maner stated he was reasonably sure that Kyle could probably answer this but there were laws, regarding placement of where traffic signs can be and maybe we need to review to be sure ours meet that law but he just didn't remember that conversation.

There was general discussion about the signs.

Vickie Lee stated that her son was a senior also so if Dina ran out of order forms, she had some.

Linda Carrion, 10609 Munn, advised that there was no side walk for kids to stand on at the corner while waiting for the bus and that some of them have almost gotten hit and wanted to know if there was any way the city could put a sidewalk there before someone gets hurt.

Mayor Nunez thanked Ms. Carrion for bringing this to their attention and they would look into it.

Mayor Nunez announced the GPISD FFA Auction and show coming up in November and encourage everyone to go out and support this event.

Council Member Garcia advise that Jacinto city was helping Galena Park with their pumpkin fest on October 31th from 6:00 p.m. to 9:00 p.m. which will be held at the Galena Park Police Department and our former Mayor Chris Diaz and other Jacinto City Volunteers will be passing out hotdogs so please come and join us and if any of the council decides to go help out please wear your Jacinto City shirts.

Council Member Diaz stated that she understand that they have a really good turnout, they have a haunted house for the little kids and a carnival for all the kids and understands that they are going to give out good toys when you play the carnival games as well as candy.

There was general discussion about the Galena Park Halloween Carnival.

Council Member Diaz announced that Constable Gary Freeman's mother had passed away and ask that everyone keep the family in their Prayers.

Council Member Garcia announced that our former Mayor Chris Diaz was having his golf shootout on November 1<sup>st</sup>. at Texaco country Club.

Mayor Nunez advised that we could not do political advertisement at the council meeting.

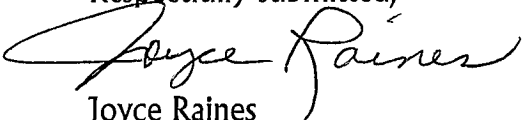
Council Member Lee thanked Kyle and Bernardo for letting him ride the mosquito truck. He stated that if you have any complaints, just remember that they are governed by state regulations, the truck has to go at a certain speed when they are applying this type of chemical.

Council Member Garcia advised that it took three hours for Bernardo or whoever is Spraying to drive around the whole city, that she, like Council Member Lee rode around the whole city and she appreciated them letting her tag along.

Mayor Nunez stated that like always Mr. Reed department came up shinning like a star.

Mayor Nunez adjourned the meeting at 8:00 p.m..

Respectfully submitted,



Joyce Raines  
City Secretary