

COUNCIL MEETING, THURSDAY, MAY 26, 2011, 6:00 P.M.

The Mayor and City Council met in regular session on Thursday, May 26, 2011 at 6:00 p.m. with the following members present: Mayor Nunez, Council Members Ochoa, Garcia and Gonzales; City Manager Maner, City Attorney DeFoyd. City Secretary Raines absent due to illness.

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

A motion was made by Council Member Gonzales and seconded by Council Member Garcia to approve the minutes of the April 28, 2011 council meeting. Vote: 3 For 0 Against

#### DEPARTMENT HEAD REPORTS:

Chief Ayala reported that the work on the container behind the police station was complete and invited anyone who would like to come by and they would be happy to show them around and they were also preparing for the auction, they were having someone come and give them an appraisal and they would advise everyone when the auction was going to take place. He advised that we had a drive by shooting that occurred in the 10300 block of Chadwick and they had one person in custody.

Chief Squyres stated that the fire department and EMS had been busy and today they had their first grass fire in a long time and ask everyone to be extremely careful due to the dry conditions.

Kyle Reed, Public Works Directors, advised that this drought had cause the public works department many problems, water leaks, cracks in the roads, that we needed rain desperately. He advised that they worked on the water leaks 24/7 and it was very important that they report them so they could be repaired and he expected that in the next couple of weeks, if we didn't get some relief, we would be activating for the first time, the first round of our Drought Contingency Plan and hopefully that didn't happen and we would get rain but if we do have too, it will be on a voluntary basis, they would ask them to not wash their cars to conserve water because we were getting in a pretty bad way with the water supply.

Kim Bellotte, Parks and Recreation, Stated that she had a personal announcement to make, they had a new baby boy in their family, a great nephew . She advised that they had several things going on this Saturday, the pool opens and will be open Saturday, Sunday and Monday and the following Saturday they would open for the whole season. She stated that on Saturday, they had a partnership between AT&T and USO, our girls softball league and the recreation department where we are trying to get cases of water which the

USO will ship to our troops. She advised that this would be taking place on the girls softball field between 9:00 a.m. and 2:00 p.m. on Saturday, she encourage everyone to participate. She stated they were taking registering for swimming lessons starting June 6<sup>th</sup> and they fill up fast. Kim stated that she had Sara Padilla here and she would like to talk about her Skylls program.

Sara Padilla stated that she just wanted to let everyone know they were doing their Skylls Program again this summer, their first year was a big hit, she went over the programs they would be having and that everything would be at the gym, they would be registering next week, May 31<sup>st</sup> through June 2<sup>nd</sup> at 6:00 p.m. and advised everybody to come out for a fun time and they would be visiting the city departments again.

Cindy Miller, Heritage Hall Director, reported that they were really busy the month of June and she was going to let Donna Dailey tell some of the things they were doing but she did want to remind them that Senior exercise starts on Tuesday, June 7<sup>th</sup>, 10:30 a.m. to 11:30 p.m. and on Thursday and that Kim graciously opens the pool every year for the seniors from 4:00 p.m. to 5:00 p.m. on Tuesday, Wednesday, Thursday and Friday and they were looking forward to that.

Mayor Nunez stated they had a good breakfast on Wednesday and she saw the senior's enjoying that with Ana, Chris and Damus helping and that was good that they continued to visit the seniors and help out in the city.

Stephanie Orr, Jacinto City Library, advised the were getting ready for the summer reading program and would have it for children, teens and adults. She stated that she mentioned at the last meeting that they were supposed to be closing the library at the end of June but they had postponed the closing until the middle of August and she would keep them advised.

#### MAYOR'S REPORT:

Mayor Nunez stated that she did not realize she was going to be so busy the first few days, and ask former Mayor Chris Diaz if he had to go to so many meetings and meet with all these elected officials and stated that was what she had been doing, that she wanted to bring the city back to good light, to show that we are working together. She stated that she met with Judge Emmett, Ana Hernandez, Congressman Gene Green and she would continue doing that so we could be able to have different things from these elected officials that will do good for the city.

#### CITY MANAGER'S REPORT:

City Manager Maner stated that he was back to saying that everything was going well in the city and we look forward to a good year and he wanted to thank everybody and he always says that we do our best, but we aren't perfect so if you see a problem just let us know about it and we will take care of it.

#### UNFINISHED BUSINESS:

City Attorney DeFoyd read the second and final reading of Ordinance 2011-2 setting the salaries to be paid to the Mayor and Council.

A motion was made by Councilman Gonzales to approve the second and final reading of Ordinance 2011-2 setting the salaries to be paid to the Mayor and Council and keeping it the same as last year. The motion was seconded by Council Woman Garcia. Vote: 3 For 0 Against

#### NEW BUSINESS:

1. Kyle Reed, Public Works Director stated this was a report on our water that is required by EPA and TCEQ, all of the samples were great, there was no problems with our water. He stated that he had to present this to the council and it soon would be mailed to all the citizens, that we could put it back on the agenda if anyone had any discussion, it had all the required lettering and sample results and everything that we do to be sure the water is safe and if anyone needs it translated, they can call Maria at public works and we will go over anything they have questions on and they can also call Leticia at city hall. He stated that these would be mailed to every citizen and hand delivered to each apartment complex, that we have nothing to hide, the water is perfectly safe.

Mayor Nunez ask Mr. Reed if this would also be on the website and he advised that he was going to talk to Mr. Sqsyres about that.

Mr. Sqsyres stated that it would be under public notices, bottom right hand corner.

2. A motion was made by Council Member Garcia to appoint Ana Diaz to City Council Position No. 2. The motion was seconded by Council Member Gonzales. Vote: 3 For 0 Against

Mayor Nunez advised Ms. Diaz that she had been appointed Council Position No. 2 and ask that she step forward.

Justice of the Peace George Risner administered the Oath of Office to Ms. Diaz.  
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3. A motion was made by Council Member Gonzales to appoint Mr. Allen Lee to City Council Position No. 3. The motion was seconded by Council Member Ochoa.

Vote: 4 For 0 Against

Justice of the Peace George Risner administered the Oath of Office to Mr. Allen Lee.

Mayor Nunez thanked Judge Risner for coming out, stating that we call him on the spur of the moment and he is always there to serve us and we appreciate him.

4. Larry Schion, 506 Hare-Cook Rd., Crosby Texas, stated the last year had been a bumpy road and he travels all the way from Crosby for all the council meetings and listens to everyone and he prayed every night for them that God would bring the city back to where people were friendly and kind. Mr. Schion discussed the change in the positions on the council and felt that the new people would do a good job. He discussed being told that he didn't live here and didn't have a right to vote, but being able to help make a difference because he loved the city. He stated that he felt so good with the council that we have now that he didn't think that he would have to come back as much but he would visit every two or three month and he thought that it turned out great and he was proud of everyone of them up there and wished everyone a good night.

5. City Manager Maner stated that the Planning and Zoning Board met Tuesday night On the request of Ms. Kelly Williams-Simon who had applied for a special use permit to allow her to establish a child care center at 10605 Market Street and the commission voted unanimously to recommend to the council that the council approve her application to establish this day care center.

A motion was made by Council Member Garcia to approve the recommendation of the Planning and Zoning Board at 10605 Market Street. The motion was seconded by Council Member Gonzales. Vote: 5 For 0 Against

Mayor Nunez recognized the following people, past Mayor Chris Diaz, past Mayor Mike Jackson, former Council Member Damus Garey, former Council Member Wayne Nichols and Gloria from Big Bass.

#### COMMENTS FROM THE PUBLIC:

J. Ramon, 10811 Munn, stated that he would like to ask a couple of questions to the new appointed and elected officials. He addressed Ms. Garcia stating that she and her friends came over here every meeting for the last year and were asking the council to give up their salaries and she just passed a motion to keep her salary, was she lying about that too. Ms.

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Garcia replied no comment. Mr. Ramon stated that was what he figured. Mr. Ramon stated he had another question for her, did she make it a custom to invite underage girls

to her house without their parents consent. Ms. Garcia replied no comment.

Mayor Nunez ask Mr. Ramon to be respectful.

Mr. Ramon said when the campaign people came to him and ask him questions and she was an elected official and he had a right to ask questions.

Mr. Ramon addressed Council Position No. 2, stating he knew who she was, she was his neighbor but he didn't know her experience, he knew that she did wait tables for her father-in-law's restaurant. (someone from the audience advised him to be wise about what he said) Mr. Ramon told the Mayor that was out of order and Mayor Nunez ask them to please wait until they had an opportunity to speak. Mr. Ramon ask Council Position No. 2 what experience she brought to this table.

Council Member Dias stated that she did attend all the senior functions and events, that he could ask Cindy and the seniors.

Mr. Ramon stated so she never had a job before. Ms. Diaz stated yes, she did have a job. Mr. Ramon stated he meant prior to where she worked now.

Mayor Nunez advised Mr. Ramon that was getting personal. Mr. Ramon stated that we were talking about a newly appointed and he was going to ask Position No. 3 the same question, he didn't know their experience. (There were comments from the audience and Mr. Ramon stated he thought that was out of order) Mayor Nunez stated that she would give them a chance to rebuttal that.

Mr. Ramon addressed Council Position No. 3, stating that he knew that he preached in the city but he didn't know anything about his experience in law enforcement particularly, he was, for lack of a better term, (there were comments from the audience). Mr. Lee ask him if he was asking if he had experience as a councilman, Mr. Ramon stated, any experience as anything, he knew that he preached but he didn't know what he did before. Mr. Lee stated that he spent 25 years with Harris County in administration and operations Department, as a councilman, he had no experience at all but he realizes the value of the wealth of knowledge which we have here in this city, with the department head and the city council itself and he intended to go to them with any questions he might have. Mr. Ramon stated that he didn't agree with mixing politics with religion. Mr. Lee stated not at all, he believed that we need to help each other out but not get in each others way.

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City Manager Maner ask to be allowed to interject something here, not as a member of the public, and he would like the City Attorney Jim DeFoyd's opinion on this. He stated that as we all know, during this past year we have gone through some real controversial council meeting where people come up and talk, they ask the council things or they say something

and the council wants to rebut it and he thinks what is the proper way to handle those things and that is, someone who is on the agenda, first of all gets ten minutes to make their statement but it is not a debate, it is not meant to be debate, it is an address to the council and so he doesn't think it is proper for either the council to interrupt them or want to rebut it, he doesn't think it is proper for other people in the audience to say anything while they are talking, as Mr. Ramon was just talking. He didn't think it was proper, it was not a debate, it was a chance to address the council and if the council themselves, in his opinion, and again this was his opinion but he believed it was the right opinion, that if the council wants to comment on something that someone who is either on the agenda or comes up on comments from members of the public, he thinks they have the right to do that but he didn't think it should turn into a debate, he thinks they should make their comments at the end of the meeting when city council has the opportunity to address everyone. When someone get up and says something a council member doesn't like, this is not the place for an argument, it the place for comments and each side has the right to make a comment but it is just not a debate and ask Jim if he agreed.

City Attorney DeFoyd stated the city council had the right to set it's procedures as it see fit at anytime and he would say that the best way to handle a business meeting, and that is what this is, is to conduct the city's business first and if members of the public have comments or they want to be on the agenda they should speak at such time as they are allowed by the Mayor and Council. He stated that the Mayor had the authority to handle the meeting and believe him, Ms. Nunez would do that, he could guarantee them that and it would be best, he thinks, to do Jack's suggestion and that is you make your comments, it would move the business meeting on quicker, the city and citizens business could be taken care of and anyone who had any comments could make those from the podium and the council, if they wanted to do it that way, could respond at the end of the meeting or at such time as they have finished their business, that was his opinion and it was just an opinion but he wanted the council to understand that they could set any rules they wanted to.

Mayor Nunez addressed Mr. Ramon regarding a comment he made about Mr. Lee, and to let her tell him one thing though that Mr. Lee had said he was not involved in the police business but he had been very very helpful in Jacinto city, opening his church when we do a food fair, being there, that he was the Chaplain right now and she thinks that knowledge will come to him as he continues being on the council and that he will be visiting with the Chief of Police and the other council people, we have to give credit to people who have

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been around, like Ana, he ask what has she done, she was on Toys For Tots, Santa on the Fire Truck, she is with the seniors and let's give them credit for the thinks they have done in the past for the city and she hoped they continue doing that and she was sorry that this meeting was disrupted like this because she was hoping to have her first meeting a very enjoyable meeting.

Mr. Ramon stated that he didn't mean it to be a disruption, he believed that he had valid questions and he wished she would have made this statement a year ago when his first meeting was disrupted, it would have been proper at that time.

Mayor Nunez stated that maybe she didn't do it because she had believe in him when he first got elected and as a council person, she kept believing in him until things really started getting out of hand but let's really show some respect to these people who have just been elected or appointed and she knows there is going to be some hard feelings and he was welcome to come up to the podium when you have concerns and complaints, he could always do that and we would all listen to him.

Mr. Ramon stated that he was being respectful, he had questions, people were going to ask him these questions, he didn't know. He stated there was one more thing that he would like to address to her, that he had seen her on t.v. saying that the city was divided and he didn't believe the city was divided, it was called the democratic process, the people vote for one party or the other but it happens every four years nationwide, that is the American way that doesn't mean the city is divided, people come out and express their feelings and that is the way it is. Mayor Nunez stated that she did and does still think that it was divided and she was sorry that she had to disagree with him. Mr. Ramon stated that every four year when a president was elected some people were upset but they will get over it.

Donna Dailey, 1701 Chazen, stated that she was up here today as spokesman for Heritage Hall and on June 18<sup>th</sup> Jacinto City Opry was going to have Heritage Hall Night in honor of the seniors at Heritage Hall and they would like to invite anyone to come out and join them on that night, Cindy's husband will be singing so that will be an extra, she encourage people to come out and get involved. She stated that the next thing she would like to announce was that on June 13<sup>th</sup>, at Heritage Hall between the hours of 1:00 p.m. and 2:30 p.m. the seniors were going to honor our new Mayor and the reason they were having this was because of her tenure and service with the city and all the things she had done for them as seniors and everyone was invited. Ms. Daily advised Ana that she had some big shoes to fill but Ana had been there for the seniors, along with Rachel, for the functions at the center and they were very excited to have her representing them and she couldn't think of anyone better to represent them than Ana and now they would have two people to represent them because they knew Rachel was not going to forget them. She

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stated that just looking at this council, she felt like for the first time in a year, our city was back to normal and back to positive.

LaGloria, 9701 Market Street Road, stated that this was to all the mothers and wives in here that did not have a paying job. She stated that women in here who did not work, just because they didn't get paid, they still were worth something. She stated that as she volunteered at the Head Start Program when her kids were little, she did a follow through

program, she worked with Harris county, she had a \$12,000,000. Budget as a volunteer, it was not a paid position. There were women in here that did things for their children, does things for your neighborhood, they volunteer in many areas. She stated that there was a lot of things that we as wives, mothers, sisters that we don't get paid money per say but money wise, it goes to the kids and community, you don't have to have an education to be on the city council, she believes if you work for your neighborhood, you know what your neighbors want, you know what they need. She stated that when Hurricane Ike came through down at Big Bass, they were there for weeks but thanks to the fire chief, Ana, Nancy and others, they came down there and make sure they had ice, etc., the Red Cross came out and made sure they had hot food, and how food, ice and water was provided to three floors of residents who had nothing and refused to go to the shelter because they didn't know where they were going to be. She stated that we worked as a family down there to make sure the residents were taken care of, that you didn't have to have a degree to volunteer. Volunteering doesn't cost anything, you just give back to your community and that is what you should do.

Mr. H. G. Wooten addressed the Mayor and Council, stating that he sure did appreciate all of them and he thinks it was a very lucky day. He stated that he appreciated them approving the day care at the previous Jacinto city Opry. He invited everyone to the opry. He stated he was glad that everything was as peaceful as it was and we had a Mayor there that was going to run this thing and we had a couple of previous Mayors that had run it well.

Ray Morlock, 11509 Celtis, stated that he would like to congratulate each and every one of them that he thought that they would do the city a good job. He stated to Mr. Ramon that he would like to say something on Ana's behalf, he knew that she had been in Jacinto city politics for at least ten years, she followed her husband, worked with him, she knows how this city run, probably as good if not better than a lot of these people, she has been there, she has been the baseball stuff, she has been Easter Egg hunts, she was at everything, He stated that he didn't think he had ever seen him at any of it.

Bryan Barker, 10209 Palestine, stated that he appreciated the road humps they put in but

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they were not helping. As one of the council members was visiting him before the council meeting we noticed two vehicles hit them at full speed within a five minute period, no slowing down, they were doing nothing to slow down cars, they were just not big enough or they are just too wide for their height and he would like to see if someone could come and evaluate it and see what they can do so that people actually slow down for them. He



stated he now has people driving in people's yards to miss them and he had notice one of his neighbors, who lived in between the road humps is now burning out going around them and he didn't know if there was something we could do about them.

Mayor Nunez advised him that we would address it to the Chief of Police and Mr. Kyle Reed.

Mr. Reed stated that he wanted to ask for their patience, because we had just mentioned the problem, speed bumps only help so much and they had become a necessary evil in this city and he put them down for him they have to follow a specification so that the city is not liable, they have to warn people, you can't put a speed bump as soon as you turn a corner and you have to have signage and he had watched both end of the street and when the drivers would see the signs, you would see brake lights come on. Mr. Barker stated he lives on that street and he also watched the street when he get home. Mr. Reed advised him that they had only been down for two days and if he would be patient, he promised him that they would work and if they were that crazy over there he needed a police office.

Mr. Barker stated that he did and he would invite an officer to sit in his driveway and watch and he had already had someone give him a death threat since he told them to slow down, it had gotten that serious over there and he was trying to protect his kids. Mr. Reed advised the Mayor and Council that we put the speed bumps in according to TXDOT and city of Houston specifications and they had just been talking about making them smaller. Mr. Baker said that if they could be smaller instead of so wide that might help out. There was general discussion regarding the size of speed bump and Mr. Barker stated that he was going to install a security camera and bring the pictures up here so they could see what they were doing.

Chief Ayala ask Sgt. Aguilara to pass it along to the other supervisors that he wanted zero tolerance in the 10200 block of Palestine and he wanted someone in that block working radar and he wanted a report by the next council meeting of what the officers did out there and he wanted something done.

Mayor Nunez stated that she hoped this would help and we would have an officer keeping an eye on it and he could come back and report to us and see if he was satisfied.

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Vernon Hagan, 10304 Burman, stated Mr. Ramon brought up the question to the newly appointed city council members and he thought their answers were great, he was having the same thought go through his mind as to what was their experience , not that it really mattered, but they handled themselves very good and he was proud that these two new members were there.

Wayne Nichols, 11502 Lane, stated that he would just like to say congratulations to all of them, he thought we were on a positive move now and he was also going to blow a little whistle for Mr. Wooten, that if you go over to the Opry, a big majority of the people there do

not live in Jacinto city and he challenged each and every one of them at the table to become a part of the opry and show their support.

Josh Matheny, 1406 Cheston, stated that he had been living in this city his entire live and so had his parents, had seen a lot of council people come and go, some of them on good terms some not but regardless all we do is look to the future and try to improve on yesterday and try to make tomorrow even better. He stated that he also wanted to encourage everybody to show up at the opry on Saturday night.

Mayor Nunez stated that those words coming from a young man just goes to show you that Jacinto city is good.

Larry Schion, 506 Hare-Cooke Rd., Crosby, Texas stated his feeling about the qualifications of each of the new council member and he felt that they would do a good job for the citizens and the city, they were all educated with this city.

Luisa Perez, 1602 Cheston, question what the speed limit was on the speed bumps because across the street from her house they say 10 miles per hour. City Manager explained that was just a warning, that the speed limit remains 20 but this is a warning that you had better slow down to 10 miles per hour. She discussed the problems they have had on her street and ask if there was any way they get a neighbor watch, assign a person to each block if anyone would like to volunteer , like helping children get across the streets to the bus stop, etc., that she know we only have so many police and she wanted to know if there was something they could do.

Chief Ayala stated that a Neighborhood watch was not going to slow the speeders down and they tried to be everywhere in the neighborhood concerning speeders as well as other violations but as to a neighborhood watch, that would be a very good idea to report crime and he always ask them to report any suspicious activity and if they wished to help in their neighborhood, report it and they would be there to check it out but as to speeders, the neighborhood watch really wouldn't help, he went over various ways they were trying to control speeders. Ms. Perez stated she thought everyone had lived here long enough to

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know who comes in and out of the neighborhood during certain hours and she thought something like that would help a lot. Chief Ayala advised that he would be very happy to talk to her about a neighborhood watch program.

Council Member Carmela Garcia welcomed the new council members, Ana and Reverend Lee and she would like to recognize the residents that were here for the first time and ask that they raise their hands if this was their first meeting in this city and ask everyone to give them a hand and she encourage them to come back, stating that was the only way you could

find out what was going on in the city and help others as well. She advised Mr. Schion that she would like to correct him, that she was a teacher/counselor, she thanked LaGloria for being here and representing Big Bass Resort, that we need representatives from different areas. She stated she thought that Ms. Perez mentioned the neighborhood watch and she thought that was a great idea, that we work as a team but we don't have all the ideas, we needed their idea as well and it takes more than one person to come up with something and build something new.

Councilman Gonzales stated that he would also like to welcome the members and he just wanted to say that they gave it a lot of thought, talking to each council member who had a vote in this, what our goal was and it was to become a calm city, back to regular routine and he thought that when they gave their nominees and everybody came to an agreement, that the people they had chose were calm, levelheaded people that would really think things over and he thought that was what they accomplished and he was looking forward to working with everybody for that.

Councilman Lee stated that he would just like to thank the council for this great honor and it was a great honor to be able to work with people that he has so much respect for and he looked forward to it and thanked them all, stating that he would be drawing on his faith and family and he had his family with him tonight, he ask his family to stand and be recognized, that he would be calling on them and the council and citizens for help He stated that he would like to comment on something that Larry said that he appreciated his confidence but if he did make the right decision, it would be because of his faith in the Lord.

Councilman Ochoa stated that he would like to congratulate all the council people at the table tonight and welcomed them to what they were going to see as responsibility and hopefully everybody made good decision for the citizens of Jacinto City, he believed they would and he hoped to continue doing the best job that he had been afforded to do here, He wished everyone a happy and safe holiday.

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Council Member Diaz stated that she would also like to thank the council for appointing her to this position and thank her family for being here, as well as friends and she would do the best that she could.

Mayor Nunez congratulated both of the new council people and she knew that they would work very well with them and she had always said that we had a good city attorney and she would certainly go to him if she had any legal questions that she needed to answer. She stated we had our city manager who keeps our city in good shape and our previous Mayor along with Mr. Squyres, who was a jack of all trades and we had a good good staff.

Mayor Nunez adjourned the meeting at 7:27 p.m..

Respectfully submitted,

Joyce Raines  
City Secretary