

WORKSHOP, TUESDAY, APRIL 17, 2012, 6:00 P.M.

The Mayor and City Council met for a Workshop on Tuesday, April 17, 2012 at 6:00 p.m. with the following members present: Mayor Nunez, Council Members Ochoa, Lee, Garcia and Gonzales; City Manager Maner and City Secretary Raines. Council Member Dias and City Attorney DeFoyd arrived after roll call.

Mayor Nunez stated that the first item on the agenda was Council discussion on alternate board members for various boards and that would be the Variance Committee, Planning and Zoning and Dangerous Building Board. She ask the Council if they felt that we needed to have alternate members that we already have five members and she would let them talk about it and see what they wanted to do.

City Manager Maner stated that he had a comment and a couple of questions for the council to consider on that. That first of all, he thought it was a good idea because often time, on one or more of these boards, we have had difficulty in getting a quorum present just because these folks have been out of town or whatever when we needed a meeting so I think it is an excellent idea to appoint an alternate but the question part of it was, a couple of things that he would like to know what the idea is, was it to name one alternate for each committee or two alternates for each committee or what, and secondly, of course the committees would still consist of just the five normal members but that Way, if we are unable to get a quorum, one of the alternates could sit but he didn't know if we wanted to appoint one alternate or two alternates.

Council Member Lee stated that he didn't know either, it was just a suggestion, that he was really thinking that since we have five members on the committee, we probably never thought we would need an alternate but he was thinking one alternate, just a reserve.

City Manager Maner stated that made sense, he was just curious. He stated that they could appoint one for each committee and in the future if we saw we needed another one that could be done then.

Council Member Lee stated that was just a suggestion I make that it might be a good idea to have an alternate for each committee and he thinks one is enough.

It was agreed that he was probably right.

Mayor Nunez ask if they had any candidates.

Council Member Lee stated that was something that he would like to address, for appointing members to these boards and also alternates, that he personally felt a little overwhelmed sometimes when we just get names thrown at us the last minute when we come to a meeting, that he would like to have some more information, if a Council

Member would like to suggest someone for one of these boards, he would at least like to have a name, address, phone number so that we could contact these people and talk to them, maybe something written down that we could look at and be able to investigate a little bit before we are called upon to make a decision.

City Manager Maner advised that Council could not take any action at a workshop, it was only to discuss and whatever the consensus, someone could put it on the regular agenda and at that point they could proceed however they chose.

Mayor Nunez ask if everyone was in agreement that we needed to have alternate on each one of the committees and then we will make a decision and they would let her now.

Council Member Gonzales as if it was going to be one alternate per category.

Council Member Lee stated that unless you wanted two.

City Manager Maner stated that it wouldn't be a bad idea and it wouldn't violate any open meeting act or anything like that if a councilman, one of them or each of them, had someone in mind that they would like to suggest for these alternates to e-mail that information to the others, not asking them to vote for them, just saying that this is your recommendation and that would give everybody time to look at everybody, just be careful not to talk about it among themselves because of the open meetings act and things like that.

Mayor Nunez stated that she thought that was a good idea, just exchange information on the person you might want to recommend.

There was discussion that if a board member dropped off for some reason, the alternate would move into that position and they might want to appoint another alternate at that time so you would always have one on standby.

2. Council Member Garcia stated that she realized that there were several employees that had been here for many years and there are several elected officials that have been on the board for many years and she was just thinking ahead and many companies do this. She stated that she was not saying lets do it the way they do it but it would be nice to honor the past employees, elected officials that have shown outstanding years of service, that she didn't know if anybody had any ideas but this was just a thought, that we didn't have anything in place right now. She stated that Joyce had explained that we did have the Mayor's pictures on the wall. There was discussion on the Mayor and Council pictures on the wall.

Council Member Diaz advised that the part couple of years we had done the employees appreciation dinner and maybe we could continue doing that.

City Manager Maner stated that several of the employees had talked to him after some of the events and the department heads themselves and the only comments that I get from them, and I would like to point this out to the council, it was important, he agreed with Council Member Garcia, it was good to recognize outstanding service but he thinks you need to exercise good judgement so that it doesn't belittle it, so that you don't, as the city manager and as a manager, he like to tell people they were doing a good job, when they do a good job but what he was saying, was they need to be careful and not over recognize things and that way it kinds of lessen the honor when something really special happens was what he was saying. If it was an award for just really doing a basic job instead of really recognizing outstanding service.

Council Member Lee ask if we would be speaking of time on the job, fifteen year award, twenty year award.

City Manager Maner stated that wouldn't require anything special, just last.

Council Member Garcia stated we could get them a pin or something saying 25 years or something.

Council Member Lee ask if this would be for all employees and Council Member Garcia replied that she would say yes, employees and elected officials.

Council Member Diaz stated that when we had the appreciation dinners, we had a good turn out on them.

City Manager Maner stated yes and the employees like those because it was recognizing them all.

Council Member Diaz stated they were also able to bring their families.

City Manager Maner stated he had seen and he knew they had too and he had been to functions where they make a big deal of giving an award but when you listen to the award, It is really for nothing, nothing outstanding, just part of the job.

Mayor Nunez stated that it was like Council Member Diaz was saying, have this employee appreciation and then recognize if someone has been there so many years or elected officials that have served so many years.

Council Member Ochoa stated that was a good idea, 5 year, 10 year, 20 year pin.

Council Member Diaz advised that we had a great turn out at the appreciation dinners, A lot of the families came and they enjoyed it, we had games for the kids, etc.

Mayor Nunez ask how could we raise fund to be able to do this, would the city be able to help us.

City Manager Maner stated that council controlled the purse strings of the city so council could allot money for that if they chose to do so.

Mayor Nunez stated that normally when we do that we give gifts and ask Ana didn't the council bring door prizes.

Council Member Diaz advised that we did door prizes for the employees and every Council Member was asked to bring about five door prizes, nothing big.

Mayor Nunez stated that they really enjoyed it, we included the Presiding Judges, the bank and the food has always been good.

City Manager Maner stated there was a chance that we could get some partners to help from the community.

The council was advised that we always got some things donated.

Mayor Nunez stated she thought that was a good idea that you have the employee's appreciation dinner.

Council Member Diaz stated that we normally have it in March and that had already passed this year but maybe we could work on it for next year and Mayor Nunez stated that would give us plenty of time.

City Manager Maner stated that we talk about this almost every council meeting, or somebody did, how good a group of employees we have and he thinks it is a good idea to let them know that we really believe in them.

Council Member Lee stated that we have quite a few who had been here for quite a while and if we were giving awards for 10 years on the job, 15 years on the job there would be a number of them.

City Manager Maner stated yes, you would be surprised, that you had a few that was well over 20.

Council Member Garcia ask if for that did we need to get together as a council for another workshop or what.

Mayor Nunez stated yes and we would have almost a year to work on that and each council member could be thinking about idea and she thinks that we can come up with a very good program.

3. Council Member Garcia stated that when school is out the first thing parents are looking for is how they are going to keep their child busy. She went over the programs they had offered the parents and children last year and what a success they had been. She discussed the Zumba for Kids program they had which was to keep the children active and also keep the parents active as well and to keep the parents informed on what we were doing here in the city so last year they offered the parents different classes on preschool, fire safety, smoke alarms and how to handle emergency situations, drug education, water conservation classes, the facilities that are available for their use and gave them a tour of all the parks. She stated that the department heads all participated in the programs and Lon Squyres did a presentation on the website and went over the projects in the city that had been paid for by grant money, they went over the sewer process, traffic safety, code enforcement. They talked about different events that take place in the city, volunteer opportunities, water rates, etc. to get the residents informed. She stated that when they first registered there were parents who wanted to know why they couldn't just drop off their child, why did they have to be present, she stated this was a win win situation, that we wanted the parents to benefit from this as well, this was not a babysitting service. She stated that the program they had last year was a three week program and no city funds were involved, it was all locally sponsored by local businesses and at the end of the program there was a resident that said she wanted to be included next year. She advised that the parents were given tours of the city building and questions answered about how we conduct business and the availability of city facilities.

Ms. Garcia stated that she would like to see a similar program this year, not necessarily Zumba, but something for the kids to keep them active, maybe other sports activities or education classes just for an hour or two a day, whatever they decide and also other topics we would like our residents to know about, such as what happens when you get a ticket here in Jacinto city, how to handle it etc.. She stated that we might go over CPS and bring someone from CPS to give a class to our parents and she went over a number of ideas that could be considered.

City Manager Maner suggested to Ms. Garcia that she might be able to partner with the library this year, because they have all the computers and could possibly do some kind of computer class.

Council Member Garcia stated that was a good idea and maybe we could teach the kids, at a young age, to provide service to our senior citizens in some way. She stated these were just suggestions and that we didn't want to use any city funds, that we want this to be locally sponsored if we can.

Council Member Gonzales stated that one year, after the baseball season, they had a basketball league to give them something to do.

Kim Bellotte, Parks and Recreation, advised that they were going to try and get something together this year on that.

Council Member Gonzales stated that maybe it needed to be right after baseball season because he knew that the Jacinto City First Baptist had a great program.

Kim stated that they try not to run the programs at the same time because there were not enough kids for that.

Mayor Nunez ask City Attorney DeFoyd if by the parents being there with the children on these programs, would there be any liability on the city and he advised that it would not.

Council Member Garcia stated that last year the children were in the gym and the parents were in the meeting room and Kim advised that we also had them sign a liability release form.

There was general discussion on the program provided last year and door prizes provided.

Council Member Lee stated that he assumed that we were talking about coordinating this through Kim and her time schedule.

Kim stated yes sir and that it was a great program last year, that they had around 80 kids and 40 moms that came regularly and she thought it was a great asset and it also got the departments working together because all of the departments had a different thing to teach each day.

Council Member Lee ask what the schedule was, was it daily or nightly and was advised it was Monday through Friday for three week from 11:30 to 12:30.

4. City Attorney DeFoyd stated that he needed to give them some background on Mr. Nino's request for a street, that there were two problems that he sees right now. First, he did not believe that the city owns the right of way, in fact he was certain that we don't and the other problem was that if anybody owned any part of that right of way, it was going to be the Flood Control District or The Corp of Engineers, it was going to be another public entity that we would have to approach even to be able to do this. City Attorney DeFoyd stated that this had always been a problem with Mr. Nino, but his is the last basically piece of property there so what you would essentially have to do would be to have to acquire the right of way if we knew who to acquire it from and then after you do that, you are going to have to construct a street, just basically from scratch, to his location and he didn't know how much that would cost, the street would have to comply with the other requirements of Lane Street, which means it would have to be the same width and constructed in a like manner but he thought that the biggest hurdle was that the city simply didn't own the property. Mr. DeFoyd said they could condemn it, there were ways to do that but we can't condemn against another public authority, we don't have that authority and that is what you are faced with here.

City Manager Maner stated, as Richard mentioned the other night in the council meeting, this has been a subject for about 40 years, he stated that Richard was a good man but they didn't agree on this and he knew that and, if he didn't mind, he was going to tell him the way he had always viewed this. He stated this first came to his attention, probably in 1972 and that was just a guess but that was the first year he was on the city council and that, of course, was a different prospective but at any rate, the way he see the problem, his view of the problem and he was making that clear, his view was the way he had always looked at these things and he hoped that they had an opportunity to look at the instruments that Mr. Nino gave them, they were dated 1924 and that was 24 years before the city was a city and this is a document where they gave this to a development company that was developing Industrial Addition but at any rate, it was 24 years before Jacinto City incorporated in 1946 but the initial founding fathers of Jacinto City in 1946 and from then on for some reason they deemed it proper not to make that a street. Mr. Maner ask Mr. Nino if there were three pieces of property there. Mr. Nino stated there were six explained where they were located and who they belonged to. Mr. Maner stated that Mr. Nino and the other property owners didn't have a street when they bought the property and he was sure that the fact that it didn't have a street, greatly affected the price they paid for it, that the less amenities any property has, the cheaper it is and that was just common market but he looked on the Harris County Appraisal roll and Mr. Nino's land is valued at approximately half of what your land is, so all these years and continually he pays a lot less taxes on his property and he was sure the road was a big reason for that, that it isn't on a street. If you go out in the country and buy property, you can buy property that is called landlocked but his isn't landlocked because he has got a way to get back there

as Jim said, it doesn't belong to the city. Mr. Maner advised that as a courtesy over the years, and it was a courtesy, it was not an obligation of the city, the public works department goes back there and does some dirt work but sometimes you get what you pay for, if you buy something as is and you are aware of it. Mr. Maner stated that it had never had a street and that is not the only one, that down on Lane Street by the trailer parks there are a couple of those new houses down there that are not on a public street and we were not going to build a street back there to them he hoped. He stated down by the shopping center, Charlie Oates Road by the theater, that was not a city street, it was a private street, the developer built that, we didn't maintain it. He stated that we have a street going by the trailer parks but we don't maintain the roads inside the trailer park, that was their responsibility. He stated it was just one of those things, the folks that bought down there made a decision that they wanted that piece of property, there was not a paved street there and Jim had already pointed out what it would take to build one and that would be very very expensive for two or three property owners.

Council Member Gonzales stated that he had said it was not a recognized street but ask Mr. Nino what address he used and Ms. Diaz ask if he had a mailbox or P. O. Box or what.

City Manager Maner advised that he had an address and Mr. Gonzales stated it was Lane wasn't it and Mr. Maner advised it was, that the post office had assigned it an address.

Council Member Diaz ask if he paid city taxes or Houston taxes and was advised by Mr. Maner that he pays city but he pays a lot less, his land was valued at roughly half of what lots on the next block are valued at, that his was valued at \$6800.00 and the other were Valued at approximately \$13,00.00.

Mr. Nino ask if he was going to let him talk and Mr. Maner advised him that was up to the Mayor, this was a workshop.

Mayor Nunez advised Mr. Nino that she understood that his property where he built his home was in the city, right. Mr. Maner advised that it was in the city limits. Mayor Nunez stated but the street was never dedicated. City Attorney DeFoyd replied that it was never dedicated or accepted as a street.

Council Member Ochoa ask Jim or Mr. Maner that where his address was Lane, that was not the easement, the easement was the apartments or what. Was it because the apartment owner built over that or sold that part, what happened there, that was what he was interested in, evidently there was a trail leading back to that area there but were the apartments built before anyone bought there or were the apartments built after there were houses there.

City Manager Maner stated that his understanding was that there was an easement going down the middle there and the apartment owners, on their own, have done that paving. The city has done none of that paving in their parking lot there, but there is an easement running through there that Mr. Nino, as an owner of that property, has a right to pass through.

Council Member Ochoa said his question was Lane at the 200 block, where it curves and starts the 200 block, he corrected his question stating that Mr. Nino's address was the 100 block so between the 100 block and the 200 block he said there were addresses assigned, was that ever that parking spot there, was that part of the street and sold to the apartments or how did that work.

City Manager Maner stated that middle part running through there was still the easement.

Council Member Ochoa ask if from the apartment that way was it not a part of the city or part of what he bought and this person who bought all the apartment land there, built a parking lot, he owned all of that and then it became an easement because he had to give an easement to him.

City Attorney DeFoyd stated that was correct, he had the right of easement.

Council Member Ochoa stated so when he bought, he bought all of that, the apartments, the parking lot in whatever hundred block that was and ask if that was a Switzer address or Lane address.

City Manager Maner advised that the apartments had a Switzer address.

There was general discussion about the apartments and the possibility that they had planned to acquire the land behind them later.

Council Member Gonzales ask Mr. Nino if there had ever been a time he could remember that he had a pot hole there and the city had come in and leveled that off for him.

Mr. Nino stated that the last time was in 2008, that he had brought a picture to city hall, and they didn't put it on the road, they went to the first block after the apartments driveway and that was the last time and he forgot something that when the city council (Mr. Nino used a derogatory word and Mayor Nunez gaveled him down) Mr. Nino continued to talk about when the city rezoned his property, stating that City Manager was on the council at that time. He became upset and Mayor Nunez continued to try to calm him down.

Council Member Ochoa ask Mr. Nino if he was living there at the time they zoned that property and were there properties there already.

City Manager Maner advised that the apartments were there way before we had zoning, the Zoning Ordinance was passed in 1978 he thought.

Council Member Ochoa ask if we thought about the people that were back in that area when city council passed the ordinance?

City Manager Maner stated that he didn't know what the council thought about, what were they thinking about. He stated the city council did it's business, whatever it choose to do.

Mayor Nunez ask if there was anything we could do to help Mr. Nino, did we get a hold of the Flood Control or Corp of Engineers or have him do it.

City Attorney DeFoyd advised the problem was the city didn't own the right-of-way and that was the legal problem, we just couldn't go on that property, we don't own it, it was not a dedicated street.

Council Member Ochoa ask if we knew who owned that easement.

City Attorney DeFoyd stated that he had no idea, he was guessing either the Flood Control or the Corp of Engineers he as almost certain.

Council Member Lee stated that Harris County would have to have an easement and maybe the Corp of Engineers too but they definitely had to have a right of way through there.

City Attorney DeFoyd stated that was just one of the problems, that even if they agreed, you were talking about a substantial investment here and he was talking about thousands of dollars, it was not building a driveway, this was a street and it had to comply with all the regulations that Lane Street did when it was built.

Mayor Nunez ask if they could just go by and fix those pot holes over there.

Council Member Diaz ask if they could just put some asphalt there, that it wasn't very long, she thought he just wanted a short section.

Mr. Nino stated that he thought that when they zoned his property they had no intentions of draining the water out of there and building a street there. He stated that if they left

the property alone, they would have taken care of it but they came out and zoned it. He discussed the zoning, that if the city had left it alone he would have thought ok, I bought this piece of property so that is what I get.

City Manager Maner stated the city hadn't zoned it, that he didn't know what he was talking about. Mr. Maner ask Mr. Nino how long the apartments had been there and he replied that he wasn't talking about the apartments. Mr. Maner ask what was he talking about and he replied that he was talking about all of Lane Street, the 100 block out there in the back. Mr. Maner stated that he didn't understand what he was saying that we zoned it. Mr. Nino stated it was zoned for multiple dwellings, you could not have any more trailers houses, no nothing over there, that you had to build houses. City Manager said that was the City Ordinance, not zoning and it was the City Ordinance all over the whole city.

Council Member Ochoa ask if there was anything the city council wants to do or suggests to do.

There was general discussion concerning the ordinance.

Council Member Garcia stated it was like City Attorney DeFoyd said, we do not have the right-of-way and she felt like he needed to get in contact with the Flood Control, if that was who to deal with first of all or like they said, the Corp of Engineers that if we had the right-of-way, that would be a different story but unfortunately it was not like that.

Council Member Lee stated there was the expense for one thing but even if it wasn't just that, we can't just legally go in there and do anything to a piece of property that doesn't belong to the city.

Council Member Garcia stated that as Jack mentioned, there were at least five other properties and if you do it for one, you have to do it for all.

Mayor Nunez stated that she thought the other were on the other side and had no access to where Mr. Nino was referring, that they came out on Fairfax, there were only two where Mr. Nino was referring too.

Council Member Garcia stated that if we had the right-of-way it would be a different story.

Council Member Gonzales stated that basically there was nothing we could do.

Mayor Nunez advised Mr. Nino that the conclusion was there was nothing they could do to help him with that street because it doesn't belong to the city, it was either the Flood Control or the Corp of Engineers.

Council Member Diaz ask where he had to go, was it the Flood Control or where did he need to go to find out who owned that property.

City Attorney DeFoyd stated that they would both have a say, particularly where this is and they might say they would be happy to give this to them provided the city would provide drainage, the storm sewer that would be required and all the expense and now you would double up that cost even more when you talk about drainage, we would have to hire engineers, this was not something where you could just patch it up and Mr. Nino already had a drainage problem.

Mr. Nino discussed the zoning problem and the drainage not being taken care of at that time. (The sound system didn't pick up all of his discussion from the audience section.)

Council Member Lee advised Mr. Nino that he had mentioned that a number of time and he was just wondering when that happened, when the zoning was changed.

Mr. Nino stated that he was going to have to look at his information and referred to the apartments.

City Attorney DeFoyd stated that the Curetons were grandfathered in because they were there long before the zoning ordinance.

Mr. Nino disagreed.

City Manager Maner stated that in 1978 or maybe 1976, Mr. Nino continued to talk and Mayor Nunez gaveled him down and ask him to allow Mr. Maner to continue. Mr. Maner continued that he was not sure of the exact date but before that Jacinto City had no zoning and that year, which ever year it was, we passed the zoning ordinance and basically what Mr. Nino was talking about, he thinks, was the zoning ordinance, and it was not for his property, it was for the city, the whole city. Mr. Maner explained that it split the city into four districts and went on to explain what they were and how they worked. He stated that what Mr. Nino was talking about was that the zoning ordinance says that nowhere out here, in the single family residential, which included Mr. Nino area, his area and all of their area, that you may not put a mobile home in it. He stated that at the time, there were mobile home in place throughout the city and those were grandfathered in, the city could not and did not make anybody move a mobile home but if a mobile home moved,

You could not put another one back anywhere in the city, it was not this area that was picked out, it was the whole city.

Mayor Nunez ask City Attorney DeFoyd if the bottom line was that the city couldn't do anything. City Attorney DeFoyd replied that we simply don't own the right-of-way and even if we did get the right-of-way, the council would have to make a serious decision about how much money they want to spend for two houses that had been there for many years.

Council Member Lee stated that whatever was done they would have to be brought up to code. City Attorney DeFoyd stated absolutely, that it had to be done right.

There was more discussion by Mr. Nino about the drainage.

Mayor Nunez advised Mr. Nino that it looked like that everyone at the table would like to help him and they wished they could but it was like our City Attorney said, it was either the Flood Control or Corp of Engineers that own that property and he might want to get a hold of them and see what they could do for him.

Mr. Nino stated no, he thought they knew that property needs a road over there that it had been dedicated and he wanted them to tell him when the other part of Lane Street was dedicated, could they tell him, they wanted him to prove that part of the road was dedicated but could they tell him when the other part of Lane was dedicated, could anybody say yes, they knew when it was dedicated.

Mayor Nunez ask what part of Lane was he talking about, where the apartment are.

City Attorney DeFoyd stated that he had been here 40 years and Lane Street had always ended before his property and he knew that, that he bought the property knowing that as well that it dead ended right there at Switzer.

There was general discussion by Mr. Nino about the zoning and Mr. DeFoyd advised him that he could build anything he wanted on it, that he could do a single family residence, that he didn't know if he could build a multi family dwelling without the approval of the council because that was part of the zoning ordinance now, but he didn't know how he could build a multi family dwelling on a lot that was 5500 and there was only two lots that he was talking about here.

Mr. Nino stated he was not asking for any charity, he was just asking for them to do what was right.

City Attorney DeFoyd stated that he was asking them to build a street, include the drainage and from now on pick up the maintenance of that street. He was asking this city to make a commitment, that right now he was not sure the council even wanted to make because even if you got the right-of-way and we comply with all of that and spend all that it requires to do that street then the city is going to be maintaining that street from now on, right now it doesn't maintain that street because it is a dead end.

Mr. Nino made remarks about members of the staff and Mayor Nunez ask him to not do that because there was nothing here with this new council that they are familiar with, they have researched it, talked with the city attorney and they have all come to the conclusion that it belongs to either the Flood Control or the Corp of Engineers.

Council Member Garcia ask if we could move on to the next item on the agenda.

5. City Manager Maner stated that since we were having this workshop, he added a couple of things that he would like the council to be considering in the future. He stated the next two item were things that we get quite a few complaints from the citizens and he would like the council to be thinking about these two things.

He passed a packet of pictures to the council, advising that these pictures were taken today, by him, in about fifteen minutes and they were just various abandoned shopping carts all over the city that they had seen themselves.

Council Member Ochoa ask him if he knew what the addresses were and he stated the addresses weren't real important but he could tell you where some of them are because they vary from day to day. He stated the pictures he had provided were taken about 3:00 p.m. this afternoon in about a 15 minute span. He stated first of all, let him say that he did understand that we had people in the city that need to transport their groceries to their home so the purpose of what he was talking about was not to stop that but it was to stop them from being abandoned on the side of the road, in the corners, etc.. He stated that first of all, they were very unsightly, they create traffic hazards and they get in our drainage ditches and cause problems there.

Mayor Nunez called attention to one of the pictures that contained three shopping carts at one corner.

City Manager Maner stated that he ask Kim to help him out with this and she got some information from the Texas Municipal League and passed out this information as well, advising that this was some of their information on why to control it and how to do it etc., He stated that we also have examples and referred to ordinances that other cities had on

shopping carts. He stated that in his opinion there were basically two ways to approach this problem and he thought the best was sort of a compromise between the two and that was to make the merchants primarily liable, but secondly to control individuals who leave them in the wrong place. He stated that if you need that shopping cart to take your groceries home, in his opinion, there were two things that you could do with it that would be proper, take it back or at least not leave it on the side of the street, put it in your back yard until you go back to the store. He stated that he thought a combination of making the merchants liable, that one ordinance required them to post a sign at their establishments, in English and Spanish, that carts aren't to be removed from the premises but if people do, they don't have to press charges or anything and that the merchants is also required to make a run through the neighborhood and pick up carts and if a cart is parked somewhere for a specified period of time, then the city would pick up the carts and take them to the public works facility, store them for a maximum of time, thirty days at the most, but during that time the merchants would have an option to pick them up but he would have to pay a storage fee just like you do when they store your car. He stated that one of the ordinances provided a \$75.00 storage fee that those carts were very expensive and if they were not pick up within whatever time the city chose, they would be disposed of in some manner.

Mayor Nunez stated that she knew that El Ahorro and Sellers has someone pick up their carts everyday and if she see several of them out , she calls and gives them the address so they can pick them up.

Jack advised that as you could see from these pictures, they were still there and quite often he see one or two parked over on Holland and the Feeder at the bus stop. He stated it was a problem for various reasons and he was bringing this up for the council to give it some consideration, this was a workshop and no action was to be taken but in the future he hoped the council would consider addressing this problem, that city hall, the police department and public works gets complaints about them and public works picks them up sometimes now and just holds them down there.

Council Member Diaz stated that she thought there should be a fine to the stores, have one of our departments heads go talk to the stores and let them know what is going on.

City Manager Maner stated that the purpose of the fines would not be to raise money, the purpose would be to take care of the problem.

Mayor Nunez ask if this would be like a traffic violation and Mr. Maner advised yes, it would be a Class C.

Mayor Nunez ask if it would be handled by the police department and Mr. Maner advised that council could decide how it was going to be enforced and who was going to enforce it, it could be assigned to almost anyone.

Council Member Diaz stated that someone should take these picture and show them to Seller Brothers because a lot of these carts say Seller Brothers.

Kim stated that one of the ordinances she read had where the city goes to businesses and has the business help them make a plan on how they are going to enforce it and discussed the possible different methods of enforcement.

Mayor Nunez stated that her opinion was that we needed to work with the businesses because both businesses do help us a lot and we need to let them know that we are trying to work with them.

Council Member Diaz stated that Walgreen's carts could not be taken out of their parking lot and City Manager Maner advised that he was told that Krogers on Normandy had this too.

Council Member Ochoa stated that he thought we could work with the stores, that if we see carts out there, give them a call and give them a minimum of two or three hours to get out there and get the cart and if they don't, the city picks them up and they have to pay a fine.

Council Member Gonzales stated he thought the message that needs to be sent out would be the fact that the people that take these need to return them, if they take groceries to their house in them, they can certainly take them back.

Mayor Nunez stated they were guilty of that over at Helping Hands because sometimes they let them take the carts and they say they are going to bring them back and if you don't bring them back, you don't get them the next time.

There was general discussion on the shopping carts and City Manager Maner advised that if Council chose to pass an ordinance that would control this, he would recommend that management would have a meeting with the store managers and get this thing ironed out because we don't want to penalize them, we just want the problem taken care of.

6. City Manager Maner called attention to an Ordinance from League City concerning removal of waste left by dogs or cats. He stated that the city and everyone was affected

by this because it was very unsanitary and it was a growing problem now, most particularly around Town Center and in the park, and he didn't want to pick out any group of people because the residents do it to, but the people at the apartments there bring their dogs across the street and he was afraid they were guilty of not cleaning up after their pet. He stated that we have a leash law now, they have to have them on a leash but we don't have any provisions that makes them clean up after their pet and the only effective way we can do this is by passing an ordinance and keep in mind that it needs to do two things. First of all, it needs to require them, if they are walking their pet on either public property or any private property that is not their own, the pet not only needs to be on a leash but they need to have with them, in their procession, the means to clean up after that dog. He stated they had a dog, they walked him sometimes and every time they did he had a pocket full of baggies, that you can use the grocery ones, so they are prepared to clean up after them and if they don't have that, they can be ticketed for just not having it and also if their pet makes a mess and they don't clean it up, they could be punished for that and someone would actually have to see it happen.

Mr. Maner stated that he thought it was reasonable to expect people to take care of their pets and be responsible for them, it was not just nasty, it was unhealthy.

Mayor Nunez ask how we would handle cats, they belong to other people and come into your yard.

Mr. Maner advised that cats were tuff and he wished he had an answer for that.

Council Member Diaz stated that all of the apartment people or at least 50% of them, walk their dogs late at night and how were you going to catch these people.

City Manager Maner stated that what he did, and we didn't even have a law on this yet, that he was passing by Wilkie Park, by the girls softball field and there was a man in the field with his dog, the gates were closed and he was letting his dog run and he stop to compliment him on his dog and ask him what he was going to do when his dog made a mess out there and that man, believe it or not, had bags in his pocket and showed them to him and stated that he always cleaned up after his dog.

Council Member Diaz stated that they had a couple of little dog at the park and they were on a leash and she was sure they had to go to the restroom somewhere.

Mr. Maner advised this was a problem and he would like the council to address it at some point and ask that they look over the sample ordinances and get some ideas. He stated that we already had signs over there that says clean up after your pet but we have no legal method of enforcing it and that was the problem. He advised that in answer to Ana's

question, what was going to have to happen was if a police officer sees someone walking their dog, they are going to have to stop and ask if they had their clean up bags with them. and if they don't, he wasn't saying to start giving them tickets, just warn them and once they are warned, they will probably start doing it.

Council Member Gonzales suggested that we might designate a section just for the dogs, a doggie park.

There was general discussion on ways this problem might be handled.

Council Member Lee stated this was something that would be hard to enforce but get the word out, communicate and in some situations, if you have too, write them a ticket.

Mayor Nunez stated that on Lane Street, around 1:00 a.m. or 2:00 a.m. in the morning, they walk the big dogs and she was talking big dogs.

City Manager Maner stated that it seem like, to him, that we have so many young men that like those pit bulls and they walk them all the time and that was fine with him but he bet that not one of them cleaned up after them.

He stated that this is just some of the things we are faced with and we get complaints about and he just took this time to bring them up to council and he hoped they would give it their consideration.

The council agreed that it was definitely a problem and needed to be addressed.

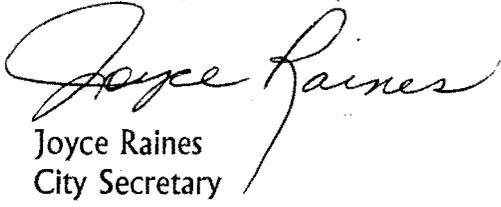
City Manager Maner said that it was good to have these sessions sometime and get these little things that we don't talk about some times.

Kim stated that she knew that she was late coming to the meeting today, she was busy with Kyle's department and she didn't know if Kyle had called them with the good news. City Manager Maner advised that he had and it was good news, that they were going to take him in around 8:00 a.m. in the morning and were going to be able to put in stints instead of doing the bypass.

Council Member Lee advised that they were having a Prayer meeting in the morning at the public works facility even though he was not having a triple bypass.

Mayor Nunez adjourned the meeting at 7:20 p.m..

Respectfully submitted,



Joyce Raines
City Secretary