

COUNCIL MEETING, THURSDAY, FEBRUARY 9, 2012, 6:00 P.M.

The Mayor and City Council met in regular session on Thursday, February 9, 2012 at 6:00 p.m. with the following members present: Mayor Nunez, Council Members Ochoa, Diaz, Lee, Garcia and Gonzales; City Manager Maner and City Attorney DeFoyd. City Secretary Raines absent due to death in family.

Mayor Nunez stated that before we ask Council Member Lee to say the prayer, she would like to let them know that Jean Garey and Joyce Raines's sister had passed away yesterday, that she died of cancer, it was expected but not this soon. She stated that we also needed to remember Mr. Wooten, that he was home from the hospital but of course it was the same condition and also Mr. Samuel Reyna, they had advised the family that he only had a couple of week and last but not least her older brother who had heart surgery and she knew he was going to make it and ask that we remember all of these people in Prayer.

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

A motion was made by Council Member Diaz and seconded by Council Member Gonzales to approve the minutes as presented. Vote: 5 For 0 Against

REPORTS OF DEPARTMENT HEADS:

Chief Ayala stated they were staying busy and they were trying to get notice to residents about the high grass and weeds and hope they would bear with them due to all the rain. Chief Ayala advised that he had visited Mr. Wooten since he came home and he ask that he tell them he would like to see everyone to come by and visit with him and also Corporal Becker would like to say a few words about the program.

Corporal Becker advised that they were having a Crime Prevention Program starting here in Jacinto City and it would be kicked off around March 1<sup>st</sup> and one of the features was going to be a home inspection and home owners that qualified could get a 5% discount off their insurance and they were also going to do other home inspections for ones that don't qualify for safety, locks etc. to help make sure everything is secure, that you have proper lighting etc. and in the future they would have other program to try to get residents involved and have information on the web page but if they have any questions, they can reach him through the police department.

Kyle Reed, Public Works Director, advised that the foundations for two of the generators at our lift stations had been poured but due to the weather the foundation for the big generator at the water well had been delayed. He advised that the notice to proceed had been issued on our sewer plant Rehabilitation project and it would probably be a six month project. He stated that hopefully we would be starting on the water line project soon and ask Chief Squyres if he had talked with them.

Chief Squyres stated that he hated to guess with these people but they had all the information they need right now and we were waiting on the County to tell us that we can have the pre-construction meeting, that we have done everything we can do at this point and we are waiting on the county. Mr. Reed stated that we had never had this problem before and we would get started just as quick as we get the money.

Mayor Nunez stated that it was looking good and it was something that was going to benefit the city and then when we have the other projects coming in from the Commissioner, that was also going to help and ask Lon if he would bring us up to date on the trailer homes.

Chief Squyres stated that one of the things about the trailer homes was actually on the agenda tonight and they were going to hold on that because the Variance Board didn't have a quorum. We will be skipping that item because of illness and other things, we couldn't get a full board here. But if they had been by either of the two trailer parks, one on Lane Street and one at 1704 Holland, he thinks they will notice that they are a lot thinner, there is a lot less trailer in them than in the past so that is going to help us with fire prevention for one thing, that it was a long process but we were going to bring both of those trailer parks into code compliance 100%.

Mayor Nunez ask if we could set up a meeting with the Variance Board as soon as possible and was advised that we could, we were going to reschedule it. Ms. Nunez stated that when we started on the sidewalks we didn't want them to drive over the sidewalks.

Kim Bellotte, Parks and Recreation Director, advised that they were moving full speed ahead with baseball season being just ahead and we had representative here tonight from the league. She stated they had a BBQ fund raising event and wanted to thank everyone who came out and supported the event. She advised they were still doing registration for girls softball and baseball Leagues and the guys have done a great job on the fields and they are really looking good.

Mayor Nunez stated that she sees Kyle's staff our working, cutting grass, etc. and she appreciates that.

Kim announced that they were also having the citizenship classes at the gym, they had five ladies that were getting ready to take their test and they were doing great and they were hoping to have a partnership with Gene Green's office and he can help them go through the process.

Jacinto City Library advised that the library reopened on December 27<sup>th</sup> and they were back in full swing, they had added more computers, as well as a meeting room which they had already stated using for their computer club. Stephanie gave information on their computer classes, stating that if they were interested in any kind of computer classes to stop by or give them a call. She stated that coming up on March 21<sup>st</sup>, they were having an open celebration with Mayor Nunez and the Commissioner, which would be at 10:30 a.m., and they would be putting more information up on their web page and stated that if they hadn't stopped by and seen the renovation to please do so.

Mayor Nunez stated that she was glad to see that the Commissioner was coming out and if council members could get a chance to be there on March 21<sup>st</sup> at 9:30 a.m., please come by and show our support for our library, it was very important for the kids.

Chief Squyres stated that he had been learning more about GLO paperwork, that Joyce and he had attended several pre-construction meetings and the one thing that we had learned about all this infrastructure grant stuff is that just as soon as you learn the forms and the way they want you to do it, they are going to change it all and we were slowly working our way through it, we've learned

from a bunch of mistakes that other cities have made so they think they have got the process for paying us back so by the time we start seeing invoicing from these various construction companies we think we have got it down and will make it a fluid process on paying the vendors and getting our money back and keeping the work going. He stated that he thinks one contractor is going to start moving equipment in at the Wilke Park area on Monday morning, so you will see that going on and from that point on you will be seeing, for about sixteen months, a lot of heavy construction throughout the city. He stated that he would tell them something about the fire department but he had been so busy doing other stuff that he didn't know much about the fire department.

Mayor Nunez stated that they had been going to the voting school classes and was advised that Joyce and Kathy went today. She stated that even though Joyce was in mourning, she still thinks about city hall, she went to the class knowing that we depend on her to do the work and that was a dedicated employee and she was telling them and she knew everybody sitting at this table would agree that we can't do without her, that she was one lady that would stay late, stays for council meeting, court and if she has to do those 25 pages of minutes she will stay. She stated that our sympathy goes to the family, Damus and Jean Garey and Joyce during a very hard time, this was the youngest sister and she saw her where she goes and get her chemo and they talked and they cried and she is sure that Kim knows because of her sister and it was hard and ask that they keep all of them in their prayers.

#### MAYOR'S REPORT:

Mayor Nunez stated that first of all she wanted to thank Capital Bank, that she left a box there from Helping Hands right before Christmas and we didn't have too many cans so she ask Mr. Maize, the President, if she could keep it there until after the first of the year and he sent out a memo to his employees and boy did we get canned goods. She Stated she wished that Mercie was here and ask Donna if she had been over there and she stated that she had not. Ms. Nunez stated that then last week, Boy Scout Troop #1301 gave us a bunch of canned goods and cereal and then Don Nichols, and she was telling them, the schools in Galena Park, donated cases and cases of food, that we used to be able to get our peanut butter for like seventy-five cents and now it is about \$2.00 to \$2.50 and that is at the Food Bank so you could imagine how much it would cost if you tried to go out and buy it now and the kids love that and the pre-school kids also gave some cans for our pantry and right now our pantry looks good and they also gave her some flour and sacked it for her, approximately 600 pounds of flour or more was donated and she was sure that all of it was appreciated, there is so much unemployment and people are going to the pantry more and more. She stated that if you had canned goods and wanted to drop them by the Methodist Church on Wiggins St. it would certainly help somebody.

Mayor Nunez stated that the next thing was that people on the agenda would get to speak ten minutes, comments from the public was three minutes and you could only speak for three minutes one time, that if you have something else that you wish to say, you will need to come back and put it on the agenda and this was decided unanimously that we need to control our meetings, we will respect each and every one of us, we will not be calling any names, you will show respect whether you like that person or not. She stated that she would ask Chief Ayala to make sure that is done, we are here, we respect each other, we work together because if we don't do this here, our credit

rating, our grants can be affected, our auditors will look at all of this here, we stand to lose a lot because sometimes we can't get along with other people, she ask please, if you love Jacinto City, think about the damage that can be done and there are ways to express some concerns, there is still an ongoing investigation with the Texas Rangers and also with the Chief of police, everything is being checked thoroughly but we do have to remember that a person is innocent until proven guilty and please remember that.

**CITY MANAGER'S REPORT:**

City Manager Maner stated that everything was going pretty well and as you could hear from all these individual reports, we have a lot going on in the city and we will have even more in the very near future and as always, he just wanted to remind the citizens that if they experience a problem or are aware of a problem, please report it to him, city hall or the proper department because sometimes we don't know about them until the citizen calls and tells us and we would do our best to fix them he promised.

There was no Unfinished Business.

**NEW BUSINESS:**

1. City Attorney DeFoyd read Ordinance 2012-1 Granting Magellan Pipeline Holdings L.P. a permit to install one 8.625 inch pipeline transporting refined petroleum products across or along and under certain streets in the city within the bounds of a Centerpoint Energy Corridor; setting permit fees; providing for indemnification from liability to the city.

A motion was made by Council Member Gonzales and seconded by Council Member Diaz to approve the First reading of Ordinance 2012-1 Granting Magellan Pipeline Holdings L.P. a permit To install one 8.625 inch pipeline. Vote: 5 For 0 Against

2. Mayor Nunez ask Chief Squyers if he did not say that we would be passing on this item and he stated yes.

Mayor Nunez stated that before we go to the other items, Kim stated that we have some people here from the ball park and ask them to stand up so that we could acknowledge them. She thanked them for coming and keeping an interest in meetings and helping to keep our boys and girls off the streets.

3. Tammy Carter, 10722 Chadwick, stated well here we are again, thrown right in the midst of deception and accusations, didn't we just do this, we were just here but I'm sure council wants the current investigation to be thorough and complete and wants all the wrongful accusations investigated and since the last two council meeting she had been contacted and approached by several city employees that say they are not scared of anyone, especially their department head but they want the whole truth to come out, not just parts of the truth so here is a few things that the Texas Rangers might also want to investigate, she was sure council would provide them with that

information. (1) A former city employee using city vehicle and fuel to transfer asphalt from city property to their personal home. (2) A former employee using a city bucket truck and fuel to hang an awning at another city employee's home. (3) A former employee using equipment and supplies to build deer stands while they were getting paid to work during their supervisor's vacation. (4) A former employee utilizing city equipment and supplies at a deer lease and (5) a former employee continually improperly repairing or the word that was used was rigging equipment throughout the city, forcing the city to bring in extra contractors to look at high dollar equipment such as AC Systems and electrical work because things weren't fixed like they should have been. She stated that was just a few on a long long list, some people that called her said you are going to need an hour and lots of paper, so there is a lot that is out there so you need to talk to these guys, they are not scared but they want the whole truth, not just partial truths to be coming out. Ms. Carter said that it goes along with that old saying that people who live in glass houses shouldn't throw stones.

Ms. Carter stated that after she reviewed the minutes from the last two council meetings and he wasn't here tonight, but the smartest person in this room was a citizen that said why bring this up now and why bring this up in the forum and that was her question exactly, what was this really all about, if this has been going on for years and years, why is it suddenly just wrong, because someone doesn't work here anymore and if someone just loves this city as the Mayor was just talking about, how can they continue to sit by and watch these things take place if they were going on for years and years and not say or do anything about it. Why is it just being reported now and how much of it was this person involved in. If all these things are going on and we witnessed it, are they aware of the definition of accomplice and not reporting a crime when they see one and what the penalties are for that. She stated there are a lot of things that need to be thought about besides what is laid out there, that the employees that she had spoken with are not scared of anyone, they are really tired of a former employee treating them bad, talking down to them and really making it clear that he was kind of untouchable, that was the word that they used, because of his personal relationships and there was a lot of talk in the minutes and video's she saw about the relationships with another employee but there was no mention of the person who was speaking personal relationship, he forgot about the hunting trips and the trips to Michigan and trips to the rodeo and all the motorcycle rides, he forgot that his wife cleans houses for many people that live in the city and city employees, he forgot that his daughter worked for a close friend at the police station and she was sure she didn't get any special treatment there, but again who knows, what was it he kept saying over and over, can't prove none of it, can't prove it. Ms. Carter stated she hoped the council, citizens and former employees realize where we really are and what is at stake because the agenda hasn't changed from over a year ago, it is the same exact thing happening to another department head not so very long ago. Those in the background of this mess are still the same people, they just have a different face presenting their information and doing their dirty work for them, they are simply taking advantage of someone who is angry and revengeful and vindictive and being pretty selfish. They are the same ones that stalked public works, took pictures of them when they just happened to be taking a break, followed these guys to their home, all of this is still the same, nothing has changed, it is just sad that someone has gotten so revengeful that they will turn to all sorts of measures to not tell the whole story.

Ms. Carter advised the Mayor and Council that she had looked at her speeches from last year and guess what, some of the same information she was going to share now, she shared last year, some of them were up here and some of them were in the audience and Joyce could probably save some time and just copy the same thing but hopefully this time somebody was going to hear her. She stated the Attorney General of Texas oversees the law of the Texas Open Meeting Act and as an elected official each of them were required to complete a course on this subject within 90 day of being elected and provide a certificate for your file. She stated that she ask the city secretary for a copy of that and of course she has personal issues that we have all heard about today so she would get back to her to make sure everyone does have a copy of their certificate but why was she asking this; for those of you that were here before, if they remembered, in the FAQ section of the Open Meetings Act she found the following question "May a member a governing body be criminally prosecuted if he or she did not intentionally or knowing violate the open meeting laws' and it says "although some provisions of the open meeting act do require criminal intent or knowledge, Texas Court has ruled that an individual would not have to know that an action was illegal in order to be convicted of participating in an illegal meeting or a violation of the act" and she said that again she knew it was crazy and sounds a little bit harsh but she found the information that they were all supposed to take this course within 90 days and the Attorney General states "this requirement is to provide the education elected officials need to begin to be knowledgeable on that act" so again if they referred back to the Texas Open Meeting Act, it said "an Executive Session or Closed Session should be called when (she stated there were several things listed there but No. 3) "cases involving the appointment, employment, evaluation, reassignment, duties or dismissal of a city officer or employee or to hear complaints or charges against officer or employee unless such officer or employee requests a public hearing" so in this case, that particular department head never had an opportunity to request a private or public hearing, we just let the discussion continue. Ms. Carter stated that in the meeting on January 12<sup>th</sup>, page 7 of the minutes, it said that City Attorney DeFoyd stated that Council shouldn't be involved in this, that this was a personnel matter and we can't talk about it here, it was against the law, that we can't talk about personnel here, you could have a closed session and talk about personnel if they wanted but we are not going to talk about personnel in an open council meeting, but then it was already a little late because we had already allowed that to happen, we had already allowed someone to get up and talk about a city employee, they didn't even have the opportunity to request a close session. She stated that no one sitting up there stopped and asked the attorney was this something that should be discussed in a private matter or was it something that should be taken to an Executive Session, no one did that, no one even gave the department head a say if he was ok with it being discussed in an open forum or would prefer the open session, that option wasn't even provided for him. So instead, person after person, and she was sure, just like last year meeting after meeting, this personnel is going to be discussed because now anything that comes across that table is public record so now it is out there and her concern was what city privilege and services are we going to have to do without because we have more law suits, more legal action, more investigation, is the Attorney General going to come and investigate, what else is going to happen from here, what else are we going to hear from this because what has happened now is we have established a pattern, we have shown a pattern that it doesn't really matter who is sitting up here, there was different faces up here last year and the same thing happened, so it shows that the council has total disregard for the laws, the rights of its' employees and especially the department head who they had entrusted a lot of responsibility in, but we don't even give them the opportunity and the privilege to have this information shared in a

private executive session. So we are lucky that those two sitting over there at that table don't join forces and fight this city right back because we have allowed a pattern to take place and put us right back into this mess that we fought so hard to get out of before. Ms. Carter stated that in regard to City Council Rules and Procedures; she was not sure if they were aware of this or not but someone else brought this last time, please note that the speaker should speak only on the topic they submit for the agenda, they submit that topic and that is what they are supposed to speak on and this has happened twice in the last meeting where we have gone all over the place, not what is on the agenda.

Mayor Nunez addressed Ms. Carter stating that she understood she is bringing back from our last election and it was true that a lot of things were discussed at that time in regard to council people or employees and it has proceeded on to that. She stated that she would talk to Jim DeFoyd, as she needs him on her side so she can ask him questions and we will take it from there and she is sure that whatever he advises the council and herself, they will listen to him and put a stop to it because it is the same thing that happened last year during last election and it is all coming back the same way, that there was no Executive Meeting when it had to do with personnel and she is sure that she and the council will work hard to make sure that it is done correctly and she thanked her for bringing all of this to their attention.

4. Wanda Dowlearn, 10337 N. Oswego, thanked the Mayor and Council for allowing her to come up and say her piece tonight. She stated that Ms. Carter stole every word she had written down. She stated that first of all, then stated that she wasn't going over it twice, that she was right about things being brought up over and over, that the two individuals sitting at that table, she was right about that, they didn't get a chance to say what they wanted to say or what they needed to say but we are out here in the galley, we can get up here, we can sit here and point fingers, you did this you did that and you said this, when do they ever get to fight us back. She stated that she lost a good friend of hers because she tried to clear up some stuff a couple of years ago, that she was at an individual's house because he said that he had proof of someone doing something and she told him to bring it forward and she hadn't talked to that person in a long time because of it and she was fixing to lose another friend of hers because she was fixing to say something against him and she was sorry she had to do this Jim. She stated that he was exactly the reason they have the word disgruntled employee, that he had ten years to bring out what he had to say and it hurt her heart to think that he was a disgruntled employee, he backed these people to the hilt and they backed him to the hilt and now he wants to air dirty laundry. She stated that she went over the minutes also and she sat there and she listened to every word that was said at those council meetings, not once, not twice, not three but four time because she wanted to be accurate about what she was going to get up there and say tonight, that she knew things that he had done but she was not bringing them out because she was tired of everybody dragging out things meeting after meeting, year after year, if it is done, that means done, it is in the past and if they are so busy living in the past you are not here in the future, your not here in the present and if you are not here in the present, you don't have a future. She stated that she didn't understand why anybody who don't work in this city, don't live in this city or pay taxes in this city, you don't own a house in this city, why would you be here to stir trouble, or you trying to get us to lose grants, or you trying to get us investigated, well you have succeeded in one of those. She stated that she didn't

want our city annexed and if you really look up the definition of love, respect, truth, honesty and loyalty you will see those individuals that have been up here slamming our department heads and she was not just talking about the two in question, she was talking about other departments, city council personnel has been attacked. She stated that she had been quite for five years almost, she had not got up here and slammed on anybody until she took it personal and she was taking this personal, that she was the city advocate for Jacinto City, Texas, she was the one that you could call 24 hours a day, she had businesses that called her two days ago because a car was sitting in their drive way for over an hour, the owner had left and his daughter was there alone with her baby and they called her and she went up there to see who this car was, she was not a police officer, she don't sit on council, she didn't run any department in this city, she does what she does because of everyone of these employees that work for the city and it doesn't matter if they work on the streets, if they work in the police department or if they volunteer at the fire department, she does it because that is what she does, she fights for the right, the truth because of honor, integrity, justice and if you really love this city, stop slamming it, stop putting our dirty laundry out there. She stated there was another person here tonight that created a web site and she is supposedly a friend of hers as well and she knew that I was going to slam on this subject. She stated that she didn't appreciate anyone taking our dirty laundry and putting it on the internet, what goes on in our city should stay in our city. She ask if they saw any other city putting all their dirty laundry out there, we are doing this to our self, people aren't coming out there slamming on us, we are doing this to our self, other cities the same size as us are looking at us and laughing. She stated we have good departments here, we have good department heads, she didn't always get along with the Chief over his officers but she knew the Chief was going to take care of it. She stated that she had called Mr. Reed many times, blowing her top and he had taken care of the problem. She stated that she had gotten up here about six council session ago and she was upset with Kim Bellotte because we were supposed to dedicate a park and she told them it had been three years and it wasn't done yet, it was in the works, it was happening, that she was being patient, they need to be patient but she wanted to ask council right here tonight, Mayor, City Manager and the City Attorney that if they know of an employee of the city, no matter what department, offer them amnesty if they have any knowledge of illegal activity going on in their department, let them come forward if they are part of it or if they know about it, get a group together, she ask them to do this before, she had ask for just the police department and now she was asking for them to go one step further, do a special group that takes little problems like this before it gets this far. She Stated We have an ex-city councilman that like to get up here and run down the city and the only reason he get up here and runs down our city is because he has been proven to be a liar and a thief, a thief is a liar and a liar is a thief and that is a matter of record and she wasn't here to slander or defy anybody's reputation but at the same time she was tired of her city being drug through the mud. She stated that if you love, care and honor this city then show it in a positive light, all the effort you are putting into doing something negative; apply it to something positive. The stated the city workers were not afraid to get up and speak and if they are, there is a private number that is called the shout out line in Jacinto city and they can use that number and she guarantee them their concerns will be brought before the City Council that she didn't mind getting up here, she had done it for the police department and she had done it against the police department, for and against public works and the last time was a city councilman accused of drunk driving, she got up here and she said the simple thing like she was going to say tonight; if they did it, so be it, if they

didn't, so be it, it is over now and to stop living in the past. She stated that all of these things need to come to a head and the Mayor was right that everything she said come off her sheet and she didn't know how she stole her words and Tammy also. She said it had been said over and over and how long were we going to keep letting it go, the agenda is the agenda, that she got up here to address comments and complaints and that is what she did, she didn't get up here under a false pretence and say oh she wanted to talk about this. She stated that she didn't believe that we should be able to allow somebody from another city, that is not paying taxes, to even bother getting up to this podium, this is for our home owners, our residents and our employees. She stated that our employees don't live here but they do work here so do they have a right to talk out, yes but if you don't pay taxes in this city, you don't work for this city and you don't live in this city you have no reason to be at this podium other than stirring problems and that was all she had to say, God bless and good night.

5. Linda Carrion stated that she just came to thank the volunteers that helped her bring down her garage. She stated that for over three years she had been asking for help and she guessed that she knocked on every door and everybody told her the same thing, we know you need help and we can help you and I guess the word of mouth just got together because I came here and ask for help and it just got put together, people just started coming and saying don't worry Ms. Carrion we are going to help you, we don't know of any organizations but they could help her bring it down and he would bring his tools. Well in January it was such a good feeling, just watching car after car coming out and starting to help and nobody knew what to do but all of a sudden everybody got organized and we cleared up that garage in three hours and she was so proud of her volunteers that helped and she heard that there were rumors that we used city equipment and we didn't Mayor, she knew for a fact that we didn't and she wanted to say that bad rumors like that, stop them, don't make something ugly that was so beautiful, that to her it was beautiful, don't make bad rumors because it was really nice to see the City of Jacinto City getting together and community getting together to help somebody. Mayor Nunez advised that they did this after hours. Ms. Carrion stated yes they did and she was just so pleased and just wanted to thank everybody that came to her home to help her because her family really appreciated it but there are a lot of good people in Jacinto City, she loves her city and this is the only city she had ever seen that had gotten together to help another person, you were not going to see it in another city but we have it here and we need to continue to have it here and we need to be together and united in support our community. She thanked everyone again.

Mayor Nunez stated that she was very happy to hear some good things that were happening here in the city.

6. Ray Morlock, 11509 Celtis, stated that he was not going to take his full ten minutes but he would also like to speak about the garage and ask if all the volunteers that helped would stand up. He stated that he would also like to thank the Galena Park ISD teachers, the Galena Park Honor Society, neighbors, family and friends, council women and city employees who worked on this project and it did not take a civic club or church group to help this family. He stated that one concerned city employee started talking to co-workers and friends and one Saturday morning they got together and the job was completed in three hours which included taking down some trees and

the slab where this garage was at was completely cleaned and cleared when everyone left. He stated that the dumpster where the trash was placed was donated by another concerned citizen. He stated that he used his brother-in-laws kabota tractor and if they would look at the pictures he gave them and they looked at the numbers on it, it says LA724, that is the bucket on the tractor and the tractor that they were accused of using, that is over in the city barn if they would all go over there and look at it, also has a number on it but the number on it is 7LA224, this is a much larger tractor and he just brought the pictures to prove to them that they didn't do it. He stated that we shouldn't have to defend doing something that helped a community member that this project was done by these neighbors out of the kindness of their heart, it had no political motives and it hurt his heart when he heard they said we were using city equipment. Mr. Morlock stated that he had several other pictures that he was going to leave with them just to show them the way the garage was in, that he went over there the night before because he can't be late for anything, a couple of the city employees came over to try to tell him how to do it and the first thing he did was look at his watch and ask them if they were sure they were clocked out, he didn't want anything to be said, they came over, they helped and he honestly didn't think they would have needed this tractor, he thought they could have pushed it over with his weight alone. He stated there were a few gentlemen there, that her son works for What-a-Burger and some guy came from there, probably twenty years his senior and he sure wouldn't want to have to work along side of him every day but as fast we could get this thing cut up, these young kids that came to help had that dumpster loaded, we didn't have to tell them anything they just jumped right in and took care of it and they got fed well. He stated that we didn't need all this negativity, especially with these young kids, we need to show them that this is a good thing.

Mayor Nunez stated that Linda's father worked for the city for many years, Mr. Segovia, so they were long time residents of Jacinto City that had served our city good and she was glad she received this help.

Mr. Morlock stated that he need to correct his statement to read Woodland Acres Middle School Honor Society not the high school.

Council Member Dias stated they had about 30 kids from Woodland Acres Middle School, they had their gloves on and they were out there working and they appreciated the lunch that was provided and everything that was done.

7. Jim Moore, 4400 Sherry Lane, Crosby, Texas, he stated that first of all he would like to thank everyone of them because they did have a good city, they had a prosperous city and the people stand together, work together and will make it even a better city, you just have a few little problems and he thinks they are going to get them addressed and taken care of but he wanted to get to what he come for and the issue he come up here for was to address the council where they were at on the civil service, he didn't know if they had addressed the board yet about having over 10,500 citizens which is what the charter says. He ask if anybody knew where we were at, could anybody address it or take care of it.

City Attorney DeFoyd stated that he had provided a memo to the City Council and they would take whatever action they deem appropriate.

Mr. Moore stated that was what he wanted to hear because he didn't want to have to down to someone else to take care of the issue because he thought they could take care of it right here, no reason to not, that he knew they got a committee to change it and everything but a lot of them all knew and he understood they were going through a change and growing and learning and how you learn is by what is going on right now, they would get that knowledge when they saw what was happening out here. He stated the other thing was on the city proposal, that was also their job and ask how many of them were up on it, on the city proposal.

Mayor Nunez ask Mr. Moore what was his question and he said he just wanted to know how many of them were up on the city proposal because the council controls that also, sees that it is followed, they did know that. He stated ok, maybe he needed to do some work on the side but anyway let him get on off that but the thing of it was, there was an awful lot of things in there that was going on that shouldn't be going on, there was an awful lot of things that the City Manager can control but you may have a director or so that is not bringing it to his attention so he can address these problems. He stated that was why you have those in there, there was a lot of things that was not followed, not only in the charter when we come up about tables, taking stuff and it was also in the city proposal on what your job is and everybody else's job and what his job was but now he was going to get into something else. He stated that he wasn't prepared for this, this was nice, he was glad that everybody had come together, that it takes something like this to come together. He stated that he had to say something that his friend told him and he knew that he would realize it and he would understand it, "when it comes to business it's business, friends are friends" and he does believe that because he gave everything he had to this city for eleven years and never looked back and to put his tail between his legs and walk away, that was not him, he was not going to do that and he was not stopping right here, just to let them know, there was a lot of stuff out there still going on that needs addressed so that you will have a better city, you will have a lot more money, you will have a lot more everything, you will cut back on an awful lot of stuff and Tammy said a lot of stuff, she put a lot of stuff out there and man I didn't know I was that kind of operator or that kind of person because I know that she was slamming me. He addressed Kim, saying that he was sorry but you know what it wasn't (City Attorney DeFoyd advised Mr. Moore that he had to talk about the policy) Mr. Moore stated that he was going to talk about the policy but what he was going to talk about what they talked about him, he had the right to. (City Attorney DeFoyd advised he could not talk about personnel) Mr. Moore said he would change it and say this, could he say director, there was no reason he was taking anyone down in that, the reason he was doing something was to prove a point that someone didn't have the credibility of owning up to what he knew.

Mayor Nunez advised Mr. Moore that he had to stick to his city policy that he would get another three minutes during comments and he could discuss something else after he had his ten minutes to discuss what he had on the agenda.

Mr. Moore said then he could tell everybody that he wanted to apologize to all of them for any wrong that he had done and the citizens, he wasn't out here to hurt them, he was out here to help them and he would be there for them whatever it took. He stated that he had one more thing that he needed to address with them, and it had to do with the policy and the policy was not

followed directly by protocol ok, that when he got terminated it was not followed by protocol again, not followed by protocol all right, he won the first step unless they want to challenge it, he was getting his unemployment, he did because there was no insubordination so he just wanted to leave them with that so obviously some of the things he had bitterness about was there because and with that he just wanted to tell them they probably won't see him back up here anymore and they were right, he was done but that was not to say that he was not going to be involved in what goes on in this city because he was going to be there he was not stopping.

#### COMMENTS FROM MEMBERS OF THE PUBLIC:

Wanda Dowlearn stated that first of all this was a family, then it turned into a community and now it was basically a city and she would like to have that family back. She stated that we all did for each other; she borrowed minor things from the city, does that mean she did something wrong, she didn't think so and a lot of things had been said here tonight and like she said, Mr. Moore that just left was a friend of hers and he was one of those city workers that she could count on but like she said a disgruntled employee is exactly what he is fitting the bill and someone else sitting in this room right now, she was not going to call names, they knew who they were was also another disgraced, disgruntled employee, you bring up things saying you care about this city, you don't or you wouldn't keep dragging it down, put half of the energy into the positive that you have negative and you could prove that you love and care for this city, show your intelligence and do something positive, that she had yet to see anything positive come out of him ex-councilman, she sees that he goes and rides on band wagons, anything negative you are right there stepping in and supporting it and ask him what positive things he had supported in our city, stop dragging it on and on. Ms. Dowlearn advised the city council that she thought they were doing a great job and she was proud to say that she lives in one of the finest cities in Texas and she thanked everyone of them for doing their job and the diligence they show in doing it. She stated that her heart went out to Ms. Raines and her family. She stated that she would like to see the city council implement something, like she said, where not just any one could get up at this podium and say what they liked, if they don't pay taxes here, what gives them the right. She ask the City Attorney if there was some way that we could stop that, can't we stop people from coming up here off the street and just saying what they want, taking up time and money, there was so many officers out here wasting Jacinto city money. City Attorney DeFoyd stated that City Council could set whatever procedures they liked. She ask him to repeat the statement and he said that City Council can establish those procedures that feel would be best suited for the public. Ms. Dowlearn Stated that she was asking city council to implement that no one outside of the city that didn't pay taxes, live here or work for us not be able to get up to our podium and waste our time. Ms. Dowlearn stated that she wanted to thank Ms. Bellotte and the City council, that when she came up here and ask about the parks and what we were going to do, they got on it and again thanked Ms. Bellotte for getting on it and showing such diligence.

Victor Castillo stated that he just got something that was brought to his attention earlier today, one the public works people had lost his father, he thought it was this past weekend and it was brought to his attention again and he just wanted to do a little contribution because it went over his hands and things like that and he just wanted to encourage his co-workers, he thinks they were going to

do something for him tomorrow but he wanted to call someone up here if they would permit him and he ask Mr. Banda if he would come up (Mayor Nunez ask if Mr. Banda was who he was talking about) Mr. Castillo stated that this was coming from him and his family, it was just a little contribution to help with expenses and thank him for what he had done for the city and advised Kyle that he thought he had good guys out there and ask them to keep it up.

Mayor Nunez stated that Mr. Castillo had always shown his generous, with Dale, even though things didn't go right but he was still there to support our city and that is what it is going to take, people to get up and show their support.

Scott Dowlearn, 10337 N. Oswego, stated that he was not up here to gripe or anything, he did want to thank Kim for everything she had done on the monument and he also wanted to thank the police department that he had to call them the other night on the non-emergency line, there was a very ferocious dog that almost took out their dog and they responded very quickly and speaking of animals, he had spoken with our animal control officer a while back and was advised that the city had no facilities for stray cats so nothing is being done about the stray cats and that is a huge problem in the city, especially on his block and there had been times when he took two or three cats at a time to the ASPCA and you can take cats down there and drop them off but we need some kind of program to take care of this, that in the midtown area they had contracted or worked with a non-profit called Bark and they come out, they may not take the cats away, but they will come out and do spaying or neutering for free just to try to control the population so if we get them all spayed or neutered they will die off. He stated that he was the Presiding Judge for 229 for the election and anyone who is interested in becoming a clerk, you don't have to live in Jacinto city, you just have to be a Harris County Registered Voter and you could see him or get his number from Ms. Raines. He stated that the State of Texas has just implemented a new program where high school students could be clerks, they have to be 16 years of age, get signed permission slips from both their principal and parents and attend the meeting and he had already talked to Furr high school and he was going to go talk to Galena Park High School and the teachers are willing to give them extra credit for that and they will have to get firsthand experience on how the election works. He thank the council for all they had done up to this point and he was looking forward to seeing how all this blows over and it would blow over soon.

Jose Ramon, 10811 Munn, stated that he was here to speak about personal financial interest, asking if they knew it was in the City Charter and he was talking to the council, that it was Section 17 on page 47. He stated that he was glad that this year we hired San Jacinto College to do food for the Council and Mayors meeting as opposed to last year and ask if they remembered last year. The Council Member, her father-in-law and her husband, who was the Mayor at that time, did the catering which is illegal in our charter and they need to stop that, stop breaking the charter and stop breaking the law. He stated that Jim was right that he knew you guys and friends were attacking him but you can't be giving contracts to your family, it is illegal, it is against the law. Ok. He Stated you can't stop somebody from coming over here from another city and speaking, Larry came here under the freedom of speech and talked trash about him all last year. He stated that was freedom of speech and no you can't stop Jim from coming over here or anybody else, it is an open meeting, Jim knows that and you can't supersede the Constitution, sorry the independent republic

of Jacinto City can't do that in this case, ok. He stated you guys are riding Jim because he was telling the truth, that is basically what it is. He stated that Tammy Carter lives at where, Kim's house, that is her girlfriend, no big deal. (Mayor Nunez advised Mr. Ramon he was out of order) and Mr. Ramon ask how that was out of order, there not friends (there were comments from the audience which was not picked up by the sound system) he was advised that he was talking about a city employee. Mr. Ramon said he was talking about a city employee who spend city time at your house and he had a problem with that, he had pictures remember. Mayor Nunez gaveled down comments from the audience. Mr. Ramon stated that he didn't want to go over her criminal record, he didn't have but three minutes. Mr. Ramon stated that was all he was asking the council was to please look at this matter, it was public record, you had access to what happened, he wasn't making false accusations, he didn't lie, it was all going to come out and at the end, like Jim told you last week, you are going to have egg all over your face, you know these people are giving contracts to their friends.

Myron Richardson, 10533 Munn, ask how everyone was doing, that it was good to see them again and he just wanted to give them an update as to where they were so far with the little league and some dates, he stated that the 25<sup>th</sup> of February would be the last day of registration and they would also hold the tryouts and the draft on that date. He stated that he thought the tentative date set for opening day was the 24<sup>th</sup> of March but he would check. He stated that he knew he had always talked to Kim and Roland Garza about the help they have done so far this year with the fields and he also wanted to thank the Public Works Department, that he knew they couldn't do it without them and we really appreciate it. He stated they had their inaugural fund raiser this Saturday and Kim and some of the other board member, council members came out. He stated that it was a pretty bad day, they originally had a car wash scheduled but unfortunately they couldn't get the car wash going but they had chopped beef specials, they did fairly well and would continue with those type of events just to make the little league a little bit more profitable. He gave a special thanks to all of those involved and came out to assist them. He went over the dates that he had provided earlier and stated that the fields were really coming along as well so thanks to everybody and on behalf of his self and the other Board Members they wanted to say thanks a lot and they appreciate it and hope we can keep things going. He stated that Issac didn't get a chance to make it today and he was their information person.

Mayor Nunez ask if when they were having a fund raiser they could bring a copy to city hall and give to Joyce and she would make copies for all the council people and they could all be aware and pass the word out.

Mr. Richardson stated that would be great and they appreciated it.

There was questions ask about the league from the audience which was not picked up by the sound system.

Wanda Dowlearn stated that she was sorry, that she got to fired up earlier and advised that we had a monument that was going to be erected down here in the park in memory of boys that played baseball on those fields and if anyone knew of a player that didn't live to see their 21<sup>st</sup> birthday,

they would like to get all their names put on the Youth Memorial Marker and she showed a drawing of what the monument would look like but it was going to be three pillars high instead of just two and if anyone know someone that played in Jacinto city and passed away before their 21<sup>st</sup> birthday to please contact her or Ms. Bellotte so that we could get their names, they were running out of time because the last day was February 15<sup>th</sup>.

Larry Schion, 506 Hair Cook Rd., Crosby, Texas, stated that he was here on January 26<sup>th</sup> when Mr. Ramon spoke about this Chapter 17 type thing and it talks about Kim Bellotte and her getting reimbursed or actually he thought he used the word stealing money from Jacinto City, a \$1,000.00 and it was against the city charter, he heard that and he wanted to do a little research on it and it said down at the bottom if they wanted a copy of all this to call him and he did, he didn't like him and Mr. Ramon didn't like him so when he called him he said he wasn't going to share his information with him so you see if someone lives in the city and they won't share the information they said they would share on open minutes and then Mr. Ramon told him he didn't like him and he wasn't sharing his information but that is ok because I was going to do the footwork for him, if she had anything on her I would find it because I would pay to find it but he also was a city councilman for 8 months or a short period of time and he had this time to work on proving that she was either guilty or not while he had the authority to speak on that city council but he didn't do it so he doubted very seriously, whatever he has, he was making a personal challenge to Ramon tonight that if has got that information, give it to him, he told him he would give it if he ask so he was asking in a council meeting but he ran off and left and kind of chickened out he guessed. He stated that Mr. Ramon talks about a lot of people doing a lot of stuff but Ramon had a big mouth and he challenged him to give him these documents so he can investigate and if he didn't, he doubted that she had anything on her.

Roland Garza, 10205 Burman or at Wilke Park most of the time, and in connection with what Myron said, they had been working on this thing about four or five years and the Jose that he is talking about happens to be his brother so he knew the information he was talking about and what happened was in the seventies and that was what happened when he quit playing ball, they put him on the streets and when you give back to the community, that was the kind of stuff you give back. He stated that you have 200 kids fighting for nine positions and it is tuff. He stated that after tryouts he got calls from the kids telling him they made it. He stated that you aren't going to get t-ball players breaking into your buildings and tagging walls, it is 15, 16 and 17 year olds and we needed to make this available for them and we would have a 15, 16 & 17 year old team, there was no doubt about it. He stated that he and Victor had talked about what they were doing tomorrow at work and it was a good feeling to be able to help somebody. He stated that you always live like it was your last day no matter what. Mr. Garza stated that it was unfortunate that the man that taught him that run off and they do, they speak their piece and run off and he was up here to speak his piece and he would tell them something about Hurricane Ike, that Mr. Reed lived in Crosby and he never left us, we never left, our first priority was this city, our family was here, Mr. Reed's family was in Crosby without communication for a long time and he never batted an eye. He was a fair, honest man period whether right, wrong or indifferent because if there is anybody around there to stir stuff for him, he would make sure he did it, that was what he liked to do, that he loved Kyle Reed to death and there was another thing, they all talk about this at work

and he would present this to the council and he would probably say it individually but they need their liason to come up and speak for us because a lot of things, civil service and all that, they are proud of what they do and if they need something, they would come up here and ask them, they wouldn't send anybody else to do that.

Robert Hernandez, 10245 Chadwick St., stated that he would like to leave them with a quote from the bible "disregarding another person's faults preserves love, telling about them separates close friends" and that came from Proverbs 17.09. He wished everyone a good night and anchors away.

Eric Jones stated he was an employee here in Jacinto city from 2001 and in 2010 he left for three month and he just says that was a small vacation and the reason why he came back was because he loved working for Jacinto City, he was a proud employee for the Jacinto City Public Works, he was not a politician, he hears a lot of things going on. He stated that they have safety meeting every Friday so they hear a little bit of what goes on at these council meeting and he wanted to say that Kyle Reed was a stand up guy, a stand up guy and he wasn't saying it because he was sitting over here in the corner, he would tell anyone on record or off record he was a stand up man that he treated every employee fair and with respect and as men, we are men first and then employees. He stated that he doesn't have them do anything that he wouldn't do out there so he hears a lot of things going and he respected this man and he loved this man I guess you wanted to call it a man crush that's what it is, ok, but seriously, no one was scared of Kyle Reed, not to be disrespectful but he was good to all of them down there, he treated them with respect like he said and he was a heck of a leader and he wouldn't want to work for anyone else here as a Public Works Director, you had a man over there in that corner, a stand up man, a take charge man and it would be a great loss to the city if Kyle Reed wasn't the Public Works Director down there and you can ask any employee that has been there before Kyle Reed how the morale was, how the pay was, he fought tooth and nail to get the morale up and to get the pay up and you can ask anyone on or off record and they will tell you exactly what I am saying here today. He stated that he didn't need three minutes, he just wanted to stand up here and tell them that. He addressed the City Council stating that everyone at public works would back them up 110%, we love what you are doing, keep doing it please.

Mayor Nunez stated they could see that we didn't keep any employee from coming up and stating how they feel.

Nancy Gosney, 1726 Belin, stated that first of all Eric she was glad that he came back to our city because she was the one that gave him a big hug, she was disappointed that he was leaving us but thanks for coming back because he was a great employee. She stated that she wanted to remind them that this civil service thing, if she was not mistaken, was just like those red light cameras in the City of Houston, it was for these voters out here to decide if we want it here or not. She stated this not for six individuals, if not, we will see you'll in the next election and make sure that you all get voted out because this is for the voters of Jacinto City, not for one individual, a disgruntled employee or them to make this decision, it was for the voters. Ms. Gosney addressed Mayor Nunez saying that after that three hour meeting they had and thanked her for meeting with her that day, Ms. Gosney thanked her for her opening speech today and stated that she was proud that

She was our Mayor and that was a very good speech and she was proud to say that and ask them to please keep a hold on what was going on.

There was general discuss and questions in the audience and Mayor Nunez advised that there was an ongoing investigation and we could not discuss the matter.

Larry Schion questioned why the Mayor and Council couldn't speak, that it concerned the city.

Mayor Nunez stated that the council had an opportunity to do comments at the end of the meeting just give her a chance to ask after the public had finished.

Mayor Nunez stated that as she said, we have to respect each other, we will not be talking over each other and if a person is getting out of line, each persons life style is their own business and no body else so please respect each other and try to work with us, it is hard being up here sometimes because we get complaints, sometimes they complain on the city employees and she wasn't saying that the public always comes in a bad mood, sometime they might have a problem and we try to resolve it but do respect each other, we want to see the city grow, we want to keep getting our grants, we want to continue that good relationship with Commissioner Mormon, that he was doing a lot for us, we want to keep our credit rating up, the auditors look at some of our minutes and we could really go down and we don't want to go down, we want to go up. She stated we have good people living here, good working people and if people need food all they have to do is go to the pantry right here on Wiggins at the First Methodist Church and we will do anything to help you.

Council Member Ochoa stated that he wanted to send his condolence to the Raines and Garey family for their loss and our prayers go out to them and he also wanted to thank everybody for coming out tonight and expressing their thoughts and opinions.

Council Member Lee was wished a happy birthday by everyone.

Council Member Lee stated that once again, he would like to speak on behalf of the council, that listening to comments that were made tonight and things that were said to the council, that they were very aware of the Open Meetings Act, it was one thing they learned about almost immediately when you become a city council person, you find out that you no longer have the right to speak like you did before you were a council person, you can't just talk about city business like you could one second before you were sworn in because of the Open Meetings Act, we are bound by law to take care of things a certain way and Larry mentioned that we were just sitting here silently and that was because we are waiting for all of you to shut up so that we can speak and have our turn and that is how we do it, out of respect for you and the city, we make our comments at the end. He stated that the council people were working on these things, there was not a thing they mentioned tonight that they didn't know about and hadn't discussed but they had discussed it within the restrictions of the way council does things and so it takes a little time, there is some things that we can't talk about and that is why when they are saying some of the things they say, they were sitting there gripping the desk because we can't just say the things we would like to say, things have to be done a certain way by law and that was what they were trying to do.

He ask that they have some faith in their council and have some patience with them, they were on it.

Mayor Nunez stated that she knew Council Member Garcia had been under the weather and thanked her for being here today.

Council Member Garcia stated that she was sorry for Mr. Banda and Ms. Raines loss and she wished that she had known about that, she was unaware and ask Mr. Reed to please let them know when something like this happened in the family. She stated that Mr. Richardson had mentioned about last day registration for the little league being February 25<sup>th</sup>, stating that she was pretty sure that it was on the marquee at the park but was there any way to get it on the marquee up here, that she didn't know if the space allowed it.

City Manager Maner advised that we would put the parade and events on it but the recreation things would be on the marquee there, it was for space purposes.

There was discussion on people seeing the sign on Mercury and Holland and City Manager Maner advised that the league was also putting out some little signs this year.

Council Member Garcia stated that she was also with Council Member Lee, that they handle things differently up here than from that side and it was all about ethics, we need to remain ethical and part of their job was to handle things a certain way and he was correct, that until you were seated in this seat you don't understand how things are handled, what procedures properly need to be taken so she asks that if they are sitting quietly please respect that we are taking all the information You are bringing in to us and taking it in for consideration but we can't agree or disagree to what each of you say. The stated that another thing the Castillo's had brought to her but she thought they forgot to mention it up here and it was a question for Chief Ayala that Laurie Castillo had mentioned that not only at the corner of Switzer and Burman, there was not a stop sign on any of the street ending at Switzer and Switzer is a one way, no stopping but on each of those streets, so for visitors coming into our city, we that live here, we know you have to stop and look both way even though there is not a stop sign but for visitors that are visiting our city there is not a stop sign and they may just take it for granted and go straight ahead and collide.

Chief Ayala stated that at an uncontrolled intersection you yield to the right and he could not say to put stop signs there or recommend them that he knew we used to have someone who would go through the city and recommend where they should be put or where they should be taken down so he didn't know who handled that now.

City Manager Maner advised that it was traffic engineering and a study would have to be made.

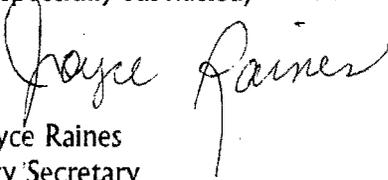
Mayor Nunez stated that they tried, especially there on Palestine and Kilroy, there was a lot of traffic there but they told us no, that we had tried to put signs up and we would keep trying.

Council Member Garcia stated that she would like to thank all the public works employees for coming up to speak.

Council Member Gonzales stated that he would also like to say thank you to the public, that they had made some good comments here, that Mr. Morlock had said some good things and Mr. Castillo it was good to see that we still have good residents that care about this city and based on our last year election, he didn't think they were going to let that happen again, we were going to stay positive and do the right things with their help. He stated that someone said in one of the speeches that council has kind of a disregard for the law and it is not that at all, we have the upmost respect for the law, each and every one of us up here it is just that there is so many laws when you are dealing with politics and we are learning.

Mayor Nunez adjourned the meeting at 7:40 p.m..

Respectfully submitted,

A handwritten signature in cursive script that reads "Joyce Raines". The signature is written in black ink and is positioned above the typed name.

Joyce Raines  
City Secretary