

# The City of Galena Park

## City Commission Meeting

Date: August 19, 2014

A regular meeting of the City Commission of the City of Galena Park was held at City Hall in the Council Chambers, Tuesday evening at 6:00 P.M. on August 19, 2014.

Present were:	Esmeralda Moya	Mayor
	Danny Simms	Commissioner
	Lois Killough	Commissioner
	Maricela Serna	Commissioner
	Juan Flores	Commissioner
	Mayra Gonzales	City Secretary
	Robert Pruet	City Administrator
	Jim DeFoyd	City Attorney

Mayor Moya called the meeting to order.

Mayor Moya called on Ms. Margarita Alaniz for the invocation.

Mayor Moya states that based on the last meeting, she noticed that some people had questions after the discussions took place on the items, therefore she is moving comments to the end so everyone has a chance to hear everything and then make their comments.

Mayor Moya read item # 4- Consider approving the minutes of August 5, 2014. Commissioner Flores moved to approve the minutes of August 5, 2014. Commissioner Killough, 2<sup>nd</sup> Vote: 5 Ayes... Motion Carried.

Mayor Moya read item #5- Consider ratifying accounts payable from August 5, 2014 through August 15, 2014. Commissioner Killough moved to approve the payable from August 5, 2014 through August 15, 2014. Commissioner Flores, 2<sup>nd</sup> Vote: 5 Ayes... Motion Carried.

Mayor Moya read item #6- Consider approving the assignment letter from LJA Engineering for engineering services for a wastewater discharge permit renewal. Commissioner Killough stated that they had a question. Commissioner Serna stated that on the last paragraph of the letter it states public meeting and public hearing required and she wants to know if that means they will have any additional cost. Mayor Moya called on Mr. Robert Pruet, City Administrator, to answer the question. Mr. Pruet called on Mr. Jim DeFoyd, City Attorney. Mr. Defoyd stated that there may be one public hearing that may be required, but if there is then it will be rather informal and it won't really amount to anything. Mayor Moya asked that when he says informal what does he means. Mr. DeFoyd stated that it may be that there is not going to be a lot of people who will be interested in the technicalities of the renewal of the wastewater permit. Mayor Moya stated she thought they were talking about the cost. Commissioner Killough asked if we knew how much they would charge. Mr. Pruet stated he did not have the cost. Mr. DeFoyd stated the hourly rate was \$200.00. Commissioner Killough moved to approve the assignment letter from LJA Engineering for engineering services for a wastewater discharge permit. Commissioner Flore, 2<sup>nd</sup> Vote: 5 Ayes... Motion Carried.

Mayor Moya moved to item #7. Commissioner Flores stated he requested this agenda item and he has been hearing a lot of people say that our charter needs to be changed and it has been a long time since the charter has been changed. He stated he agrees with what the people want and he thinks that it is something that they need to pursue. Mayor Moya asked if he was talking about item

# 7. Commissioner Flores stated yes. Mr. DeFoyd read item # 7- Resolution R08-2014 establishing a charter review commission. Mayor Moya stated that she has seen the resolution and it is against the city charter that we have now and therefore she cannot put this on the floor. Mayor Moya also stated that two weeks ago they were all talking about how they have to follow the charter. She has several comments from Mr. Flores, Mrs. Serna, and Mr. Simms on how we need to follow the charter, and now they are writing a resolution with different information on it. Mayor Moya stated that the charter states that the Mayor appoints the committee and that the commissioners have to vote. Mayor Moya then asks Mr. DeFoyd if he would like to read that section in the charter. Mr. DeFoyd states he has read the charter. Mayor Moya asks him again to read it to the people. Mr. DeFoyd stated to the Mayor that it is his opinion and he assumes it is going to be the opinion of the city commission that they will have a charter review commission and the appointment of the same is going to be of that exactly that he put into the resolution, if they decide to do that and if they decide not to do that it is up to them. Mayor Moya asked Mr. DeFoyd what he thought the council was going to decide. Mr. DeFoyd stated that it is up to them to decide. Mayor Moya stated that they know what they are going to decide. Mayor Moya states that they need to follow the charter. Mr. DeFoyd states that they are following the charter. Mayor Moya then states if Mr. DeFoyd can show her where in the charter it states that everyone in the commission gets to pick three individuals. Mr. DeFoyd states that it says it in the resolution that the city commission has an authority to do. Mayor Moya ask where does it state that in the charter. Mr. DeFoyd states to Mayor Moya that he is not going to get into an argument with her and they can follow the resolution or not it is up to the city commission to decide that. Mayor Moya states that anyone that is subject to participate in the committee may be subject to legal actions in the future. Commissioner Serna states that the city charter has the definition of the city commission. Mayor Moya states yes and for Commissioner Serna to go ahead and show her. Commissioner Flores states that he is the person that has been pushing for the resolution and he had been meeting with Mr. DeFoyd and they put that resolution together. People had been saying that they want to see change and they don't want to see the charter so outdated and this is there opportunity to do that, he might disagree with the Mayor on her interpretation of the charter. Commissioner Flores stated he had met with Mr. DeFoyd and Mr. Hightower and they have a difference of opinion on what the charter says, and he disagrees with the Mayor, but they have to move forward. Commissioner Flores states that each of them will have people representing them on the board, residents, to help them do it. Mayor Moya asked Commissioner Flores what was the difference in her appointing the committee and each one of them. Why can't they select a citizen and have that citizen select whomever. Commissioner Flores stated that they are a commission and being a commission the four of them have one vote and they are all equal in what they do, and each one of them should have the opportunity to do that. Mayor Moya ask Commission Flores to read that part in the charter and explain it to her. Commissioner Flores stated that was Mayor Moya's interpretation of it and he respects her opinion. Mayor Moya states that it is not only her interpretation she does have her lawyers... Commissioner Flores interrupts and states that her lawyers may have interpreted differently and that is fine, but the legal people that he spoke to, Mr. DeFoyd, do not agree with her. Commissioner Flores states that he moves that they pass the resolution. Mayor Moya states that is he saying that they only follow the charter when it is beneficial to him. Commissioner Flores states apparently in her opinion. Mayor Moya states no Mr. Flores. Commissioner Flores states that they have residents serving on the committee what more did she want, would she like to appoint one herself. Mayor Moya states that is not what she said, she said that she was going to elect one person and that person will elect the people. Commissioner Flores states that they will elect three people as she will also elect three people. Mayor Moya states no and if they do that then they will be subject to legal actions in the future and she is not going to participate in anything that is against the charter. Commissioner Simms asks what process the Mayor would use to elect the people to serve on the committee. Mayor Moya states that first of all she would follow what the charter states that the Mayor gets to appoint the committee and the commissioners get to vote on it whether you pass it or not. What she would like to see is for the citizens, after all that is why they are there, therefore if they elect one citizen to organize the committee then they can then work with the amendment of the charter. Mayor Moya states she agrees that the charter should be amended she just thinks that the citizens should be the ones to

do it. Commissioner Simms stated each one of them are going to have three people representing them on the charter committee. Each one of them will have three people that they trust for the best interest of the whole community. Mayor Moya states that there they go again with we, we, we, it is not about we it is about them. Commissioner Flores states to Mayor Moya that if she would rather appoint them herself. Mayor Moya states she does not want to appoint all 15 individuals, she wants to appoint one. Commissioner Flores states to the Mayor she just wants to do that. Mayor Moya tells Commissioner Flores to read the charter. Commissioner Flores states he disagrees with the Mayors interpretation of the charter. Mayor Moya states she is sorry he disagrees with her. Mayor Moya states for Commissioner Flores to read the charter. Commissioner Flores reads... Subject to the confirmation of the city commission he shall have the power to appoint all board, commissions, agencies, and officers provided for in this Charter or by ordinance of the City Commission pursuant to the terms hereof. Commissioner Serna states so that means it is subject to their approval. Mayor Moya states that she is right the Mayor can appoint and they can vote on it, but it doesn't state that each one of them can pick three individuals to organize.... Commissioner Flores interrupts and states that it does not say that the Mayor has the power neither. Mr. DeFoyd states that is what the Resolution that Commissioner Flores has recommend is. That each of them appoint three people to serve on the committee, proposed of citizens of the City of Galena Park. Mayor Moya states that the Charter trumps any resolution. Dawn Fisher, a citizen, states that then it goes to a vote where the people will be voting on it and states that personally she does not want the Mayor appointing one person to pick the committee that all the commissioner should be allowed to appoint three. Another citizen states that the problem is that they do not trust them and they are sick and tired of that. Commissioner Killough states that the people that elected them trust them. Commissioner Serna asks who do they not trust. The citizen then states that they elected the Mayor and he would like for them to explain the duties of the Mayor if they keep blocking her. Commissioner Killough states they are not blocking her. Mr. Bob Clowers, a citizen, states the way he understands the charter is the city Mayor appoints all boards and commissions and it is voted on and approved by the commission. The way it was done in 1979, Alvin Baggett appointed 15 citizens and the commission confirmed that and they went forward and made the recommendations and it went back to the commission and they submitted it to the voters and the voters voted on it. Mr. Clowers continued to say that nowhere in the charter does it say that each commissioner gets to appoint anybody, it's the Mayor appoints the commission with the approval of the commissioners. Mr. Defoyd states that it does not say that, and how many times had he told Mr. Clowers that. Mr. Dale Wortham states that the ordinance that is adopted changes the charter by omission. Commissioner Killough ask if he lives here. He states no. Commissioner Killough thanks him for his information. Mayor Moya states that it is still information and for him to continue. He then states it changes the charter by omission if you adopt the ordinance. Mr. DeFoyd then ask what is his name and who is he. He states his name is Dale Wortham and he is the president of the Harris County AFCL and resident of Deer Park, Texas and he is watching this and it is an abomination of Roberts's rules of order and everything else. Commissioner Serna states to Mr. Wortham that he does not need to come to the meetings and he can go to his city. A citizen states that he has the right to be there. Commissioner Serna states that if he is tired of it he does not have to be there. Mayor Moya gives Mr. Wortham the ok to proceed. Mr. Wortham states that the adoption of the ordinance by omission will change the charter subject to the conditions the city attorney has laid out. Mr. Wortham then thanked the council for their time. Mr. DeFoyd states there is a resolution on the floor. Commissioner Simms asks the council if they can table it. Commissioner Killough asks if they want to leave it like it is. Commissioner Flores states that the Mayor keeps saying that everything is against the charter, and he disagrees with that. Mayor Moya states that it is not her saying everything is against the charter, it's everything that goes toward their benefit. Mr. DeFoyd states that her interpretation and his interpretation, Mr. Clowers, is wrong. Mayor Moya asks really. Mr. DeFoyd states yes. Mayor Moya states that everything that doesn't work toward their benefit, they seem to write a resolution or an ordinance to benefit certain people. Mayor continues to state that just two weeks ago, she can read exactly what they said, that they need to stick to the charter. Mayor Moya states Ms. Serna said that is why we have a charter. Mayor Moya states that Mr. Simms even quoted on it and she can got to the minutes and read them. Commissioner Serna states ok then

they should leave the charter the way it is. Commissioner Flores states that every time there is something the Mayor doesn't like she blames the charter and blames corruption. Mayor Moya asks Commissioner Flores what has she done that they have not blocked. Commissioner Flores states that it does not matter.... Mayor Moya interrupts and states it does matter. Commissioner Flores continues to state that they are following Robert's rules of order and the commission's rules. Mayor Moya states they are not following the rules, he keeps speaking over her and isn't that part of Robert's rules of order. Ms. Thelma Ibarra a citizen states that they should try to work together instead of arguing so much, and it would be much better if they agreed on something. Mayor Moya states that she agrees. Ms. Dawn Fisher, a citizen states that the Mayor thinks everyone is after her and nobody is after her or trying to hurt her they are just trying to make the city better. Another citizen states why they don't just table it. Commissioner Serna states that they will. The citizen then states to table it until they can come up with a better solution because they are wasting a lot of time and nobody seems to be willing to get their act together. Mr. DeFoyd states that there is going to be a time problem. Commissioner Killough makes a motion to table the resolution. Commissioner Serna 2<sup>nd</sup> vote: ... Mayor asked if there is any further discussion. Commissioner Simms states that the only thing would be that everything is on a tight time frame and they can move dates around. Commissioner Serna states that they can change it. A comment from the audience was made that the resolution isn't going anywhere and they have a timeline and so do the citizens. Commissioner Killough states that Commissioner Simms is agreeing to table it. Mayor Moya called for the final vote... 4 ayes... 1 nay (Commissioner Flores). Motion Carried.

Mayor Moya read item #8- Consider approving the first reading of Ordinance 2014-05- Granting Magellan Pipeline Company, L.P. a permit to install one 20 inch pipeline. Mr. DeFoyd read Ordinance 2014-05. A citizen asks what is the 1440 PSI. Mr. DeFoyd states it is the pounds per square inch of the pipeline. The citizen then asks what was 1440, was it fourteen hundred and forty or fourteen forty. Mr. DeFoyd states it is fourteen hundred and forty. Commissioner Simms moved to approve the motion as presented. Mr. Jack Brown, a citizen, states that the agenda item reads that it is a 20 inch pipeline and they are talking about a 24 inch pipeline. Mr. DeFoyd stated yes it was a 24 inch pipeline. Mr. Brown stated that they can't possibly approve that unless they were going to drop the size of the pipeline. Mr. Brown proceeded to state that they would have to change the size on the agenda for the next meeting. Mr. DeFoyd asked for the specs and states they should be attached. Commissioner Killough states the first paragraph states a 20 inch pipeline. Mr. DeFoyd states that it is an introduction to the ordinance itself and the ordinance comes after, be it ordained by the city commission. Mr. Brown stated that the permit to install one 20 inch pipeline and that was very specific. Mr. DeFoyd stated it was the introductory phrase and the ordinance calls for... Mr. Brown interrupts and states that if he would have left out the 20 inch it would have been an introductory. Mr. DeFoyd asked if they were going to have a debate with the people from the audience. Mayor Moya states he just needs his answer. Mr. DeFoyd stated they would never get anything done and he was not going to sit there and argue with everybody in the council room about the ordinance, it was not proper and out of order. Mr. Brown states he asked for a point of order. Mr. DeFoyd states he does not have the authority to ask for a point of order. Commissioner Serna states only the commission does. Mr. Brown asks even if he is granted by the Mayor. Commissioner Flores asks Mayor Moya if they can follow Robert's rules of order. Mayor Moya states she did approve him. Commissioner Flores asks if that was following Robert's rules of order, allowing the audience to speak. He states he would like to have clarification on that later. A citizen states that they can get him a copy of it. Commissioner Serna asks to put it on the next meeting. Commissioner Killough asks Mr. DeFoyd what was the parliamentary rule that they should do at that point in time. Mr. DeFoyd states basically what has happened is that you have a typographical error on the agenda, it should have said 24 instead of 20, and you could correct that right there. Commissioner Simms states that they are wanting to approve a 24 inch pipeline and there is a simple typo on the agenda. Mayor Moya states she suggest they fix the typo and then vote on it, because they can't vote on it now. Mr. DeFoyd states they could vote on it now, because the ordinance states in the body that they are going to install a 24 inch pipeline, and there was an error on who typed up the agenda and he did not type it up. Mayra Gonzales, City Secretary, stated she typed up the agenda but was

following what Mr. DeFoyd had put on the ordinance, he had put 20 inch and after it was posted David Binning told her it was wrong. Mr. DeFoyd states it was simply a typo. Commissioner Simms states that the actual part of the ordinance that they are approving would be 24 the 20inch that has the typo is in the introduction. Commissioner Killough asked that if it was clear enough to where they could mark the typo out and change it to 24 or do they want to bring it to the next meeting. Commissioner Simms states no because they actual part of the ordinance that they are approving is correct with 24. Mayor Moya states that if he is just saying to continue and move on with it and to go ahead and note it and they will continue. Commissioner Flores makes a motion to accept the ordinance as it was read and to fix the agenda item to 24 inch. Commissioner Simms, 2<sup>nd</sup> Vote: 5 Ayes... Motion Carried.

Mayor Moya read item #9- Consider approving Resolution R09-2014- appointing the depository and authorized signatories for the hurricane disaster recovery project. Mr. Defoyd read Resolution R09-2014. Mayor Moya states that personally she would like to see the authorized signatures to be madam secretary and Ms. Nanette, because they both handle money. Commissioner Flores asked where the Mayor would insert that in the resolution. Mayor Moya states she is just telling them what she thinks about it. Commissioner Flores asks if the changes would be in the same resolution. Mayor Moya states yes. Commissioner Killough asks if the Mayor would not like the Public Works director to be involved. Mayor Moya states that she would like madam secretary and Ms. Nanette. Commissioner Killough asks Mr. Pruettt if he has any enlightenment on that subject. Mr. DeFoyd states it requires the city secretary, statue requires the city secretary. Mayor Moya states that she would be on there. Commissioner Killough asks which grant was that. Commissioner Simms states that it is for hurricane disaster and they are the gentlemen that oversee the day to day operations of our city out in the streets and also the city administrator, he thinks it would be very vital to have them make decisions if they would have a hurricane there. Mr. DeFoyd states that all that talks about is hurricane disaster and he would assume that they would want the public works director to be involved every time there is a hurricane. Mayor Moya states that he is going to be involved, just not be one of the authorized signatories. Commissioner Flores moved to make a motion to accept Resolution R09-2014 as read. Commissioner Serna 2<sup>nd</sup> Vote: Mayor Moya states that she wants for the record that she vetos. 4 Ayes... Motion Carried.

Mayor Moya read item #10- Consider the resignation of Lon Squyers as grant writer/grant manager. Commissioner Flores moved to approve the resignation of Lon Squyers. Commissioner Killough, 2<sup>nd</sup> Vote: 5 Ayes... Motion Carried.

Mayor Moya read item #11- Consider appointing Glenda Squyers as grant writer/grant manager. Commissioner Simms made a motion to approve Ms. Squyers as grant writer/grant manager. Commissioner Killough 2<sup>nd</sup> Vote: 5 Ayes... Motion Carried.

Mayor Moya read item #12- Consider the reappointment of Joe Sims to the civil service board. Commissioner Killough moved to approve the reappointment. Commissioner Flores 2<sup>nd</sup> Vote: 5 Ayes... Motion Carried.

Commissioner Flores asked Mayor Moya if before the comments were made they could go ahead and make announcements. Mayor Moya states they should hear the comments from the public first.

Mr. Barry Ponder stated he has been a citizen of Galena Park for almost 60 years and he had a question for the city attorney. Mr. Ponder states he was present the night of the council meeting when Mr. Hightower was there and he needed clarification. It was his understanding the attorney that the city hired made the comment that he spoke to the Texas Attorney General Greg Abbot regarding the health insurance and that the attorney general told him that it was not only legal but that the payment did not need to be refunded and he just needs to know it that was correct and if he understand Mr. Hightower correctly. Mr. DeFoyd states that he does not recall. Mayor Moya

asked the city secretary if she had the minutes. Commissioner Killough states that she recalls him saying that the attorney general would rule. Mr. DeFoyd suggest that they check the minutes. Mayor

Moya states the city secretary was checking the minutes. Mr. DeFoyd states that Mr. Ponder has three minutes, could they do that under three minutes. Mayor Moya states they would take another comment and then go back to him.

No other comments were made.

Mayor proceeded onto item # 13-announcements.

Commissioner Simms announced he wanted to make the citizens aware that Monday would be the first day of school and please be aware of the kids. Also, the Galena Park football team starts games next Thursday night at the football stadium, it would be nice to see that crowd at the football stadiums. A citizen asked what football stadium. Commissioner Simms stated on Wallisville Rd. and the senior citizens are eligible for a free pass to get into the games. A citizen asked where they get a pass. Commissioner Simms stated at the football stadium, walk in and tell them who you are and they would get you a pass. It lets you in to all the football games and any sporting event and it is good for 1 year and you must be over 55 years.

Commissioner Serna announced they have the Mexican Consulate housed at the Galena Park Resource and Training Center from today until the 29<sup>th</sup>. It is for the Mexican citizens or the ones with dual citizenships to get passports from 9-2. Mayor Moya asked to get passports. Commissioner Serna stated yes Mexican passports.

Commissioner Flores announced that they are in the process of a beautification program and a yard and lawn competition, and is looking for residents are interested in serving on the board or committee. He wants to see if they can get the citizens to clean up their yards a little more and have a completion. Commissioner Flores is also looking into having a movie night in Galena Park and he has been talking to Jacinto City. He hopes in September they can have the movie night and bring food trucks in to have some good food. He is also working on trying to create an economic development board to try to create a vision for Galena Park and if anybody is interested in serving let him know. He also announced that National Night out is October 7<sup>th</sup> and they would be having a set up in the Dairy Queen parking lot and he would like for everyone to be involved and get to know your neighbor. Commissioner Serna stated that she thinks each one of them should organize something in their neighborhood that way they can cover the whole city.

Mayra Gonzales, city secretary, stated that in reference to what Mr. Ponder asked it is in the July 15<sup>th</sup> meeting minutes page 6, it states that it is the attorney general's opinion. The city secretary proceeded to read.....Mr. John Hightower stated that there is a state statute that specifically authorizes cities to pay for health insurance and life insurance for elected officials regardless of how many hours they worked, it is in the local government code. He also saw in the charter where the Mayor is allowed compensation of \$300.00 per month and commissioner a compensation of \$200.00 per month. The attorney general's opinion was that when you have a limitation on salary that health insurance was not considered salary, and was not a violation. He also stated that he doesn't know what bases the city would have on demanding money to be paid back on a benefit offered by the city to the commission. That is based on his review. Mayor Moya states that what she understands from it is that he called and they stated their opinion on it. Mr. DeFoyd states that Mr. Hightower did not call he read an attorney general's opinion. Mr. Ponder stated all he wants is a letter where the attorney general actually said that, that it is his opinion. Mr. DeFoyd states that Mr. Ponder can look it up it is public record. Mr. Ponder states he does not want to look it up, he has a letter, and he just wants something from the city stating he said attorney general said that. Commissioner Killough stated it was in the minutes and they could get him a copy.

Continued Minutes August 19, 2014 – Page 7

Commissioner Flores made a motion to adjourn the meeting. Commissioner Simms, 2nd Vote: 5 Ayes... Motion Carried.

Meeting adjourned: 6: 48 P.M.

  
MAYRA GONZALES  
CITY SECRETARY

  
EMERALDS AYA  
APPROVED