

The City of Galena Park

City Commission Meeting

Date: November 04, 2014

A regular meeting of the City Commission of the City of Galena Park was held at Alvin D Baggett Community Building, Tuesday evening at 6:00 P.M. on November 04, 2014.

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

Mayor Moya called the meeting to order.

Mayor Moya called on Pastor Ramos for the invocation.

Mayor Moya called for comments from the audience.

Mr. Nichols from the food pantry wanted to remind people that a year ago Judge Biggs went to be with the lord and at this time we were honoring him. The food pantry has helped a lot of families, the first Saturday of the month we will be given food at the park, the 2nd and 4th Saturday of the month we will be giving food at the pantry. Mr. Nichols stated that they are completely out of can goods just because we have had a lot of need I have flier just to give you an idea of the needs that we have also we are gearing up for Christmas. Mr. Nichols handed a list of item that are being needed to Commissioners and Mayor. Mr. Nichols has named the Christmas party that they do Santa's Workshop and Judge Biggs Christmas, he stated that if you lived in Galena Park and were in need Judge Biggs made everybody's Christmas. Mr. Nichols stated that he is trying to continue that tradition and that they work with the schools, they take names from the counselors and they give you names of families in need. Mr. Nichols stated that there are several groups that come out and adopt families and last year no child in Galena Park went without a Christmas. The Fire Department helped deliver bicycles to children and the Police Department was also there. We appreciate all that you do for us. Mayor Moya stated to Mr. Nichols that there was someone in the audience that can help. Ms. Veronica Garcia stated that Mr. Nichols can get help from the food bank and that Mr. Nichols will have to fill out a form and submit to them; Mr. Nichols responded that he would look into that.

Mr. Ponder stated that on or about September 05, 2014 they had a citizen from the community get information about some formats for a petition that they want to get for amendments, they were told by the City Secretary at that time that the City doesn't have one and that we should file what the State of Texas has. Mr. Ponder stated that they did that through their attorney, that they hired. Mr. Ponder stated that on September 5th they submitted a petition for amendment changes on the Charter. Mr. Ponder stated they had 614 signatures on the petition and they were hoping that they would get some kind of resolution through that within 5 days which is what cities usually use to certify the signatures on the petition and unfortunately that did not happen. Mr. Ponder stated that after 11 days they decided to come and talk to council again and they also contacted the State of Texas Petition Board and they suggested that we write a certified letter to the city secretary trying to find out what the holdup was. They also suggested that we send a copy of the petition, which we did; with the signatures the amendments with

everything to the State of Texas as well as the District Attorney Office. Mr. Ponder stated they sent a cc copy of the letter to the State of Texas, to the District Attorney's Office, City Secretary, City Attorney, and to their Attorneys, and they waited again. Mr. Ponder stated they didn't know what happened, they knew that an outside counsel was brought in and shortly after that they end up getting a certified letter from Ms. Gonzales stating that the signatures were certified. Mr. Ponder stated it had been 17 days from the day that they turned it in. Mr. Ponder stated that they waited and they had one of their committee members ask on the 7th of October when the petition was going to be brought in to city council and, City Attorney, Mr. DeFoyd stated at the end of next council meeting. Mr. Ponder stated on the 21st of October again the city hired an outside counsel which is Mr. Hightower and couple things were brought up. I understand that there was a question about whether or not the honesty of the petitioners was trusted, that was one of the things so, even though we have not , up to this day have gotten anything from the city or city secretary or city attorney regarding the petition, we went out of our way, all 10 petitioners signed an affidavit swearing that the amendments were reviewable every time that they were signed. Mr. Ponder state that was one of the things that was brought up by city council, the next one was whether or not one of the petitioners was able to turn in her signatures because the notary was somehow kin to her, we contacted the State of Texas; State of Texas said that is not true. They told me if I would get a notary that I would be able to notarize whatever my wife had, as long as it wasn't for financial need; that was resolved. The third one that was brought up that it was in writing; it was never in writing that we were going to lower their water bill and that we were going to fire everybody on the City Council. Mr. Ponder stated that they talked to their attorneys and they don't know how to address that, all they can say is that somehow these people are going to need to come forward put their name and take it to court, and they didn't know how to iron that one out. Mr. Ponder stated that they were their today, 51 days from where they were when they initially gave out the petition, and they still don't have a resolution to their problem and we have continually tried and gone out of our their way, at least 4 times, to work with city council and ask them what can do to help. Mr. Ponder stated that every single time the city council has not answered them. Mr. Ponder stated he was going to read aloud: The committee has given more than enough time and hope that tonight the city council will vote to accept our petition and allow the citizens of Galena Park to exercise their rights, however if the city council chooses to table or reject it , then we will have no other resource than to have our attorneys to file a suit to protect the citizens' rights and we will also ask the courts to review language and other things that the council has done up to this day that were against the charter. What we ask is for the City Council to please look at the petition and give us some type of resolution. Mr. Ponder thanked the council for letting him speak.

Mr. Clowers stated that he wants to bring to attention that this meeting is being held in violation of our charter and also out City Code of ordinance. He stated, I gave you all a copy of this, if you will read that the Article 9, Section 10 is where in our Charter is gives us the right or gives the Commission the right to by ordinance to regulate the days of the regular meeting, the time of the regular meeting and if you look at the Article 1.302 the time is 7 o' clock, this ordinance has never been amended to reflect the 6' o clock meeting. Mr. Clowers stated he thought it was done by city council vote, but in order to change that you have to amend section 1.302. Section 1.303, where it states in there that you can change the date and the day. It states nowhere in there that you can change the location of the meeting and in the Charter it says that all meetings will be at City Hall and in the charter and ordinances it states that all the meetings will be at the City Hall. Mr. Clowers stated that he just wanted to bring to the council's attention that the meeting they are having at that moment is in violation to our charter and also out of the ordinance. Mr. Clowers stated they have never paid attention to the Charter or the ordinance, they would just selectively do them and as they see fit. Mr. Clowers stated if they were going by the charter the city administrator position would not be there, that's a violation of our Charter. We have a mayor council home rule charter and in order to have a manager or administrator the citizens of Galena Park would have to vote to go to a council/manager home rule charter. Mr. Clowers stated the city has never done that and the charter was just changed or amended and nobody ever questioned it. Commissioner Simms asked Mr. Clowers how many years he was on council and he sat in the meetings where they changed the venue for the same reason, how many times was it announce that they will have election in City Hall and that the meetings will be at the community building or in the Church Hill Center and all those years that you seemed very receptive and never said anything about it.

Mr. Clowers stated the he took the word of the City Attorney that we could do that and we got some bad legal advice from him from time to time. It's like the deal with Pruett and the council not letting me rent the community building for my family. He has no authority to reject that. The insurance is against the Charter. Mr. Clowers asked Commissioner Simms how many years he was on the insurance.

Citizen addresses Commissioner Simms and stated that what he thinks Mr. Clowers is trying to say is that for example let's say that they live around the corner from each other and let's say and you were driving 30 miles an hour police officer pulls us over and I say hey I have been doing this for 15 years does it make it right? What I think Mr. Clowers is trying to bring to light here is that it is wrong and we want you guys to fix it, we are not pointing fingers at anybody you have your back against the wall and you're ready to fight us. We are just saying that you are City Council, fix it so it doesn't happen again.

Commissioner Serna stated that they won't have any powers if they do whatever they want, we are going to be Mayor Moya's puppets. Mr. Ponder stated let's let the system work for us that is what is designed to do and to be honest with you, it is not up to you, it's not up to Mr. Simms, it is not up to me. We have a right to vote for this amendments and that is how democracy works, we put it in a ballot and if u like it, you vote for it and if you don't like it you don't vote for it.

Mr. Brown stated that he wanted to back up Mr. Clowers statements, he pointed out how can they do that in the last session. Mayor Moya stated that she had a chance to review the ordinance and that she is in agreement with Mr. Brown. We tried to point that out in the last meeting were Mr. Defoyd stated, we change buildings for our meeting. Mayor Moya asked Mr. Defoyd if there was anything that he wanted to say, he stated no. Mr. Ponder stated that if commissioners decide to leave or calling the meeting illegal. Mr. Ponder stated that if they do not have a resolution for this petition it will be in court. Mr. Clowers added that it was not illegal but that he stated that it was in violation of our charter and city ordinance. Mr. Clowers stated it's like when you change the time and the date of a meeting you have to put it in the newspaper, you have to post that out in city hall for 2 weeks, none of that was done. Mr. Brown stated that he will like to refer to Mr. Defoyd on this one, if he had a chance to read the charter about the question he had weeks ago. Mr. Defoyd had no comment.

A citizen stated that she has been driving with her children by the high school and during the day and evening there is always vehicles parked by the tennis court, she stated that she has called it in twice, there are some cars that are parked right beside the tennis court and you can smell the drugs that they are doing, it is during school hours, at night, during the carnival. I had my family tell me that there was a very strong odor, she asked if the cops can drive by there during the day, that they are always there during the day it's a brown pickup truck.

Item # 4 Consider Approving the minutes of Special meeting of September 15, 2014 and Regular meeting of October 21, 2014. Commissioner Simms made a motion to table the minutes of the special meeting and regular meeting. Commissioner Killough, 2nd Vote: 4 Ayes and 1 Nay. (Commissioner Flores)

Item # 5 Consider ratifying accounts payable from October 17, 2014 through October 31, 2014. Commissioner Killough made a motion to approve the payables. Commissioner Serna 2nd...Vote 5 Ayes... Motion Carried

Item # 6 Consider approving the first reading of ordinance 2014-07 granting Kinder Morgan Liquid Terminal, LLC. A permit to install one sixteen inch pipeline. Commissioner Flores made a motion to approve the pipeline. Commissioner Killough, 2nd ...Vote 5 Ayes...Motion Carried.

Item # 7 Consider approving the cost share grant from Texas Forest Service for engine/tanker with CAFS in the amount of \$218,000.00. Commissioner Killough made a motion to approve the cost share grant. Commissioner Serna, 2nd ...Vote 5 Ayes... Motion Carried.

Added Agenda Item Per Mayor Moya:

Consider action on the proposed petition, submitted under section 9.0004 of the Texas Local Government Code, for amendments to the charter.

Mr. Defoyd stated that they are still investigating the petition and the way it was handled, but will have a resolution pretty soon. Mr. Defoyd stated he explained that in the last meeting somebody asked if they could have it in two weeks and I said that was impossible to do that. Citizens ask Mr. Defoyd if they could have a date; Mr. Defoyd stated that the date will be posted like any other meeting. A citizen stated to Mr. Defoyd that it is not a question, if it is illegal or not, that it has been certified and he doesn't understand the investigation, he also stated what right does Mr. Defoyd have to investigate somebody. All they ask is for a date. A citizen stated that the petition is not going away, it is still going to be here it has been approved and was accepted. Mr. Defoyd stated that it could not be done in 2 weeks, citizen ask if it will be 2 more weeks and Mr. Defoyd stated that it might be before that, he cannot give a date and will need to set up a special meeting. Mr. Ponder stated that he had 51 days and that is what the attorneys are looking at. Mr. Ponder stated that Mr. Hightower stated that it needs to be done quickly, it needs to be done in a timely manner and that up to this day no one has ever come to the committee or sent anything to our attorneys regarding this petition as it being legal.

Mr. Clowers stated to the Mayor to call a special meeting she had to do it in writing to the city secretary. Mr. Clowers stated it had to be 3 of the commissioners or the Mayor to do the special meeting.

No motion was made, Mayor Moya stated that the citizens could take action.

Item # 8 Announcements

Mayor Moya stated that someone gave her a flyer it's for the American Legion hall rentals from \$200.00 to \$600.00 from 12pm to 12am and 750.00 to from 12pm to 2am, security is included, access to BBQ pits, kitchen and they are welcoming new members.

A citizen stated that it was for the council, that he suggested that they consider amending the constitution that had the ability to move the meeting when needed because of the elections, if one of you could come up with the proposal for the council, we are going to have elections all the time and if you want to change the constitution and be legal just go through the amended process and lets change it whenever we have to change it. Commissioner Killough stated that they were just doing what had been done for 40 years in the past.

Pastor Ramos stated that The First Baptist Church on Thanksgiving day from 12pm to 2pm will have a meal for people who need it on Thanksgiving Day, it's a free meal with turkey, dressing the whole thing. If you know anybody that has nothing to eat on Thanksgiving Day, we serve that meal, we serve it to 30 people and you are welcome to come.

Commissioner Killough stated that on November 11, 2014 at 11 am all Veterans will be honored at the Zones Education Center, they will be fed lunch on that day so if any of you know or have Veterans in your family, let them be honored by the school district that day. The Agriculture Facility is having their livestock show November 18th & 19th and they are also having auctions on the 20th.

Mr. Brown stated that there is a section in the ordinance that allows to change the date and time of the meeting, they can change the time and date of the meeting provided in 2 weeks in advanced, but they cannot change the meeting twice because it is on the state charter. Mayor Moya stated that what the ordinance states is that you can change the time and date but you need to post it 2 weeks in advance and also put it in the newspaper. It doesn't say that you can change the site of where the meeting is going to take place so for that, is like Mr. Brown stated we need to amend the charter or write a new ordinance.

Commissioner Killough stated that there is going to be a 2k walk for those of you who are runners at Channelview I.S.D sport facility on Saturday November 8th from 9am to 1pm and it's for kids ages 6 to 12.

Mr.Thibodeaux stated that he wanted to Congratulate all the City workers and everyone that participated in the Halloween festivities, it was very successful took a lot of kids off the street which is the main goal of that. Very well done.

Mayor Moya stated that in addition to what Mr. Thibodaux was saying that she saw the commissioner names on a board , the credit really belongs to the employees of the City, they are the ones that put it together.

Ms. Taggy thanks Mayor Moya for the plugs that are going to be installed, also thanked the police department for patrolling Galena Manor.

Commissioner Flores stated that they are planning the next movie night in a couple of weeks, if anybody is interested in participating. We had a first one that was a very good movie night, so if anybody wants to be part of it please let us know. Also if you are interested Lulac council 4703 is having a fundraiser this Thursday for honoring Constable Chris Diaz and Mayor Diaz. We are going to be at Jacinto City town center from 6:30 to 9:30 we are going to be raising money for all the kids here in Galena Park High School , last year we gave out about \$8000.00/\$9000.00 in scholarships anybody interested in participating or helping out that will be on Thursday. Also we are working on making beautifications yard of the month competition starting here in December, starting in December we are going to find the best Christmas houses, we are going to put it on Facebook, have a little competition and reward people that are doing a good job. Starting in January I am going to be starting a program where we are going to bring the government to your area and start getting your ideas and community planning so we can start building our city future, you want to see more park development, more park improvements. I want to hear from the residents a lot of people complain, but as a community we need to work together and this is an opportunity,. Thinking about going to Galena Manor for Galena Park Elementary, MacArthur Elementary and also have one in Woodland Acres.

Commissioner Simms stated that he was very proud of the City of Galen Park, we were able to allow the individuals that had the fundraiser. I am speaking from my side and I know Pastor Ramos, its rough to have to make a funeral for someone that has passed and I am sure that Pastor Ramos has to. There is a 10 year old boy know that doesn't have a dad and with all this that we discuss and live through. During a funeral it's tough but when you have to do it for someone younger than you. You need to keep that 10 year old boy in your prayers. I spoke to a Deputy Sunday after I got out of church; he said that Deputy himself lost his father when he was 10 years old also. I told him how lucky I am that my son is 26 and my daughter is 18 and I tell them I love them every day. Go home and tell them you love them.

Commissioner Flores stated that his department just completed a project in front of MacArthur Elementary. Tubing is being put on Clinton, a resident stated that there is a huge hole in the street by the church in shafaii and that no one has addressed. Mr. Pruettt state that it will be addressed tomorrow.

A citizen stated that Clinton drive has been washed out, pot holes are getting bigger. Mr. Pruettt state that he wanted to point out to the public that Main Street, Holland, and Clinton are maintained by the county, we will have to call them and get them to coordinate with us.

Commissioner Serna stated that they have the Halloween Party on the 31st which was a great success; we had a lot of kids attending and in the works for a senior citizen project for senior parks equipment. Also every 3rd Wednesday and every 3rd Friday that is also part of the recreation department.

Commissioner Killough stated that she prefers to call on Gregory from the Fire Department; Paul stated that they will get a grant for a fire truck, they are also working on more grant money. We have the guys in class. We will also be sending guys to school periodically, next week Kinder Morgan wants to do fire training. We had a call from Kinder Morgan on one of their new facilities.

Chief Radar stated that they have spent 370,000 dollars grant money on radios, we are in the process of doing another grant for \$250,00.00. For the last 45 days our police department has taken in 1120 calls for sure out of that we had 99 written case reports, we had 49 misdemeanors and felony arrest, 13 traffic accidents. We have taken in at least 81 dogs.

Commissioner Simms stated that he will like to call on water and sewer superintended Ms. Cooper. Ms. Cooper stated that she is still evaluating everything, she is in the process of getting employees licensed.

Commissioner Killough stated that she was worried about the green dye in the bayou. Paul stated that it was a dye released from Kinder Morgan and it is harmless. Kinder Morgan will notify Galena Park next time they do it.

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

Meeting adjourned: 7:00 pm



Vanessa Stevens



Approved