

# The City of Galena Park

## City Commission Meeting

Date: November 18, 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 6:01 P.M. on November 18, 2014.

**Present were:**

Esmeralda Moya  
Danny Simms  
Lois Killough  
Maricela Serna  
Juan Flores  
Mayra Gonzales  
Robert Pruet  
Jim DeFoyd

Mayor  
Commissioner  
Commissioner  
Commissioner  
Commissioner  
City Secretary  
City Administrator  
City Attorney

Mayor Moya called the meeting to order.

Mayor Moya called on Reverend Bailey for the invocation.

Mayor called for comments from the audience.

Ms. Taggy Hall, a citizen, stated that her question was directed to Commissioner Juan Flores. She asked if she was correct in saying that he was the Commissioner over Streets and Bridge. Commissioner Flores stated yes. Ms. Hall stated that his newsletter in the water bills always mentions soccer or movie night but it never mentions anything about the streets and they have a lot of streets that need to be repaired. She stated that there was a big pot hole on Clinton and if Commissioner Flores would meet with her she could show him the streets that needed to be repaired. Commissioner Flores stated that whenever she has time he would be more than happy to pick her up and take notes and get with the department to get those fixed. Ms. Hall thanked Commissioner Flores.

Item # 4- Consider approving the minutes of Special Meeting of September 15, 2014 and Regular Meetings of October 21, 2014 and November 4, 2014. Commissioner Killough moved to approve the minutes. Commissioner Flores, 2<sup>nd</sup> ...Vote: 5 Ayes... Motion Carried.

Item # 5- Consider ratifying accounts payable from October 31, 2014 through November 14, 2014. Commissioner Serna moved to approve the payables. Commissioner Killough, 2<sup>nd</sup> ....Vote: 5 Ayes... Motion Carried.

Item #6- Consider approving the second and final reading of Ordinance 2014-07- Granting Kinder Morgan Liquid Terminals, LLC. a permit to install one sixteen inch pipeline. Mr. DeFoyd read Ordinance aloud. Commissioner Killough moved to approve Ordinance 2014-07. Commissioner Simms, 2<sup>nd</sup>... Vote: 5 Ayes... Motion Carried.

Item #7- Open and consider awarding bid for Waterline Rehabilitation Phase 1. Mayor Moya read each bid aloud. Bid #1- A Absolute Plumbing in the amount of \$786, 642.00. Bid #2- Resicom, Inc. in the amount of \$1,063,669.00. Bid #3- Horseshoe Construction in the amount of \$919,060.00. Commissioner Simms made a motion to table the bids for further review. Commissioner Killough, 2<sup>nd</sup>... Vote: 5 Ayes...Motion Carried.

**Item #8- Consider approving estimate #2 in the amount of \$117,797.40 for the Sanitary Sewer Rehabilitation Project. Commissioner Killough, moved to approve estimate #2. Commissioner Simms, 2<sup>nd</sup>.... Mayor Moya asked if this was the best they could do. City Administrator, Robert Pruett, stated that it was what the council voted on previously with Lopez Construction and it was the best they could do. Vote: 5 Ayes... Motion Carried.**

**Item #9- Consider approving Ciara Dixon as Volunteer Firefighter. Commissioner Flores moved to approve Ciara Dixon as Volunteer Firefighter. Commissioner Serna, 2<sup>nd</sup> ...Vote: 5 Ayes... Motion Carried.**

**Item #10- Consider action on the proposed petition, submitted under Section 9.004 of the Texas Local Government Code, for amendments to the charter. Commissioner Killough stated that she wanted to refer to Mr. DeFoyd on the investigation. Mr. DeFoyd stated that there are many reasons as to recommend as to why the petition should be denied. Mr. DeFoyd stated that the signatures failed to meet the standards of the Texas Local Government Code. The signatures were based on information supplied by circulators that the proposed amendments were attached by petitioners to the signature page. Yet there were no petitions or proposed amendments attached as stated by the circulators affidavits. The affidavit stated that the petition circulator swore or affirmed that he personally circulated the petition paper and that all signatures were made in his presence. Mr. DeFoyd stated that their investigation revealed that many of the signatures were not made in the presence of certain circulators, but were taken by persons who were not circulators. He stated that they have information that the circulator did not provide or even have available the proposed seven pages of the amendments for the signers to read. They have information that the circulators made statements that were contrary to what was in the petition. Proposed Amendment # 1 stated that the commissioners should not interfere with the Mayor's supervision, authority, and control of all administrative departments including water and sewer, streets, and all the departments. That the Commissioners must deal solely through the Mayor in regards to this, and the Mayor shall have the power to remove such head of department at any time he or she shall see fit without confirmation of the city commission. Proposed Amendment # 2 pointed out that it was the intention of the charter to vest all authority and fix responsibilities of suspension or removal solely in the Mayor. Mr. DeFoyd stated that none of those items were discussed to the signatures of the people that they talked to. Mr. DeFoyd stated that the investigation reveals that the petition should be denied. Mayor Moya stated that she is glad that he made that comment, because they have a few people in the audience that would state different. Mayor Moya called on Mr. Barry Ponder and Mr. Broussard and asked if they could explain how they presented the amendment. Mr. Ponder stated that what they did was hand them the petition for them to sign and they had the amendments for them to review. If they asked for them they made over 500 copies of the amendments and he might have 27 of them left. What they did is walk up to the citizens and introduce themselves and state that they were volunteers with the City of Galena Park and they were trying to get signatures for a petition to update the city charter. Mr. Ponder stated that generally once he said that before he could get into the first amendment, and he doesn't mean to be disrespectful to council, but the first word out of their month was is this to get rid of them on the council. Mr. Ponder stated that he told them he would get to that, there is an amendment for a recall, but he needed to start with the first one. Mr. Ponder stated that 99% of the time they didn't want to hear the amendments they just wanted to sign the petition. Mr. Ponder stated that they wouldn't only sign theirs, but they would bring their whole family in to sign it. Mr. Ponder stated that day at Middleton's they collected 200 signatures and once the word got out it just snowballed and people keep going. Mr. Broussard stated that he attested before that every person that signed his petition understood what they were signing, and he doesn't know who said otherwise. He swore before and he doesn't think that he has to swear again, but he thinks everybody was aware of what they were signing. Mr. Broussard stated that if there is any doubt put the amendments on the ballot and let the people choose, the people will know what they are signing by the time it comes on the ballot. Mr. Broussard stated that if the council thinks that they did something wrong, put it on the ballot and let the people decide and vote on it, if not it will go to court. Mayor Moya stated that there are some citizens there that were approached for the**

investigation and they failed to tell them that they will be subpoena to court if they signed something in terms of the contrary. Mayor Moya stated that some of those people are in the audience and if they would like to speak they are welcome to if not she understands because they are intimidated. Mr. Broussard stated that Mr. Prevost called him and told him that he was highly upset with the council for pulling him into Mr. Pruett's office. Mr. Broussard stated that Mr. Prevost is in his 90's and was very intimidated and he thought it was low of them to bring him into the office and intimidate him. Mr. Broussard stated that if they really did what the council is accusing them of he would agree with them, but they did not do that. He stated they did not have to do that, they presented the petition to people and explained it to them and they were very willing to sign. Ms. Taggy Hall stated that there were also a lot of people in the Manor that did not want to sign the petition, but they were not pushed or coerced to sign it. Mr. Ponder stated that the city council received the petition back in September, they had 70+ days to do the investigation. The investigation, basically from what the committee has found out by phone calls from citizens, is that they are being called and asked whether or not they knew they should be signing the petition. Mr. Ponder stated that they are being coerced into signing statements and they are not being provided with copies of it. He stated they have followed the letter of the law all the way down the line, they even reached out to the city council four times to try to satisfy this. Mr. Ponder stated that the last one, the city council stated that the petition was not valid because they had a notary that was part of the family. He stated that they went to the State of Texas and asked them and they stated that was wrong. Mr. Ponder stated that the person that made that motion is a notary. Commissioner Serna stated that is why she knows. Mr. Ponder stated then there was an issue about whether or not they were truthful on having the amendments on each and every petition. He stated that all 10 petitions signed an affidavit that was notarized that there was an amendment at every station at all times and if a citizen wanted a copy they could have taken it with them. Mr. Ponder stated that he even emailed some out to people that wanted them including the Pastor for the First Baptist Church. Mr. Ponder then stated that Mr. DeFoyd brought out the thing about them promising lower water bills and new cars. Mr. Ponder stated that the committee, The Citizens for a Better Galena Park, pretty much got the idea that the council was going to reject it and they are prepared for it. Mr. Ponder stated that the four councilmen are about to take the right to vote away from the citizens of Galena Park. Mr. Ponder stated that the reason the council is doing all this is because if the amendments get put on the ballot, the council knows they will pass and there are two people sitting up on the council that will not have a job come May. Mayor Moya asked Mr. Prevost that if he knew what he was signing when Chief Rader delivered a letter to his house for him to sign. Mayor Moya stated that Mr. Prevost called them with the concern. Mayor Moya stated that she understands that Mr. Prevost did not know what he was signing when they went to his home. Mr. Prevost stated not really. Mayor Moya asked Mr. Prevost what transpired when Mr. Pruett called him into his office. Mr. Prevost stated that he went to city hall to pay his water bill and Mr. Pruett told him to step into his office and he did. Mr. Prevost stated there were two other people in there, one was Mr. Thibodeaux and he didn't know the other person. Mr. Prevost stated that they showed him where he had signed the petition. Mr. Prevost stated he remembered signing the petition, he came out of Middleton's store one day and three ladies had a table set up and the only thing he can remember is that it was something about a water bill or something like that. Mr. Prevost stated that it sounded alright to him, anything that can get his bill lowered so he signed his name. He stated that a week or so ago Mr. Pruett told him to step into his office and they showed him a stack of papers and he recognized one had his name on it. Mr. Prevost stated that he told them about the day outside of Middleton's where he had signed something. Mayor Moya asked Mr. Prevost that the day Chief Rader went to his house with the letter for him to sign, he recognized Chief Rader because he was dressed in his uniform and because of the vehicle. Mr. Prevost stated yes. Mayor Moya asked Mr. Prevost if he knew what he signed that day and did Chief Rader explain it to him. Mr. Prevost stated not really if his memory serves him right. Mr. Prevost stated that the same sheet of paper the Chief of Police showed him was the paper he signed at Middleton's. Mr. Pruett asked Mr. Prevost if Mr. Broussard was present when he signed that petition. Mr. Prevost stated no and he knows him personally. Mayor Moya asked Mr. Broussard if he wanted to answer that. Mr. Broussard asked Mr. Prevost if he remembers that his wife and he talked to him on his

driveway with Ms. Taggy about the petition. Mr. Broussard stated that it must have been a different petition that he signed at Middleton's. Mr. Broussard stated that the petition that they might have showed him was the petition he signed on his driveway in front of Ms. Taggy and himself. Mr. Broussard stated that the first time his wife and he talked to him, Mr. Prevost stated to him that Ms. Taggy told him two petitions were going around and he wanted to make sure that he signed the right petition. Mr. Broussard stated that the first time they went to Mr. Prevost home he didn't sign and they told him they did not want him to sign because they wanted him to be comfortable signing. Mr. Broussard stated that they waited and went back that day with Ms. Taggy and they talked about the petition and Mr. Prevost signed it. Mr. Broussard stated that Mr. Prevost must have signed something totally different at Middleton's, because he did not promise him anything about the water bills. Mr. Prevost stated that Mr. Broussard was not at Middleton's. Mr. Broussard stated that they showed him the petition that Mr. Prevost signed at his house, but they got him to believe that he signed something where someone promised him something on his water bill. Mayor Moya asked Mr. Broussard to please address Commissioner Flores because he is saying that it proves a fact. Mayor Moya asked Commissioner Flores what fact it was proving. Commissioner Serna stated they were not before any judges. Commissioner Killough made a motion to deny the petition. Commissioner Flores, 2<sup>nd</sup>... Mayor Moya stated she had another concern.... Commissioner Killough called for the Vote: Mayor Moya stated that Commissioner Serna was threatening people with deportation and that Commissioner Serna was going to send a Sheriff Officers to their home. Commissioner Serna stated that was a business meeting and there are procedures to be followed. Commissioner Killough stated to Mayor Moya that there was an agenda to be followed. Mayor Moya stated that they will be subpoenaed. Commissioner Killough stated that they already had a motion and it was second. Mayor Moya stated that the citizens still had something to say. Commissioner Killough called for the Vote: 4 Ayes... Motion Carried. Commissioner Flores stated that the Mayor was out of order because she was not following procedure. Mr. Broussard stated that he wanted to make it clear that he did not promise anybody anything about the water bills...

Commissioner Killough adjourned the meeting by making a motion to adjourn. Commissioner Serna, 2<sup>nd</sup>.... Commissioner Killough called for the Vote: 4 Ayes... Motion Carried.

Meeting adjourned: 6:34 P.M.

  
MAYRA GONZALES

  
APPROVED