

The City of Galena Park

City Commission Meeting

Date: February 9, 2015

A Special and Executive Session of the City Commission of the City of Galena Park was held at City Hall in the Council Chambers, Monday at 4:30 P.M. on February 9, 2015

Present were:	Esmeralda Moya Danny Simms Lois Killough Maricela Serna Juan Flores Mayra Gonzales Jim DeFoyd John Hightower	Mayor Commissioner Commissioner Commissioner Commissioner City Secretary City Attorney Special Counsel
Absent	Robert Pruett	City Administrator

Mayor Moya called the meeting to order at 4:32 p.m.

Mayor Moya stated the reason for meeting was:

Item # 1- Pursuant to Chapter 1, Section 551.071 of the Texas Open Meetings act, the City Commission of the City of Galena Park, Texas, will meet in a closed session to seek the advice of legal counsel about pending litigation filed against the City of Galena Park: A) by Mayor Esmeralda Moya, under cause No. 2015-05747, in the 234th District Court of Harris County, Texas, and styled Esmeralda Moya, Plaintiff, VS. The City of Galena Park, Texas, Danny P. Simms, in his official capacity; Lois Killough, in her official capacity; Maricela Serna, in her official capacity; Juan Flores, in his official capacity; and Robert Pruett, in his official capacity, which original petition is seeking declaratory and injunctive relief, demand for jury trial and request for disclosure; and B) By Barry Ponder under cause No. 2015-00781 in the 270th District Court of Harris County, Texas, and styled Barry Ponder VS. Danny Simms, et al.

Mr. John Hightower suggested to the Mayor that the council take up item #2 first. Mr. Hightower stated that in the Mayor's lawsuit the issue has been raised of whether or not the law firm has authority to represent the city in law suits and assist in other related matters. Mr. Hightower stated so that there isn't any issue on him going back with counsel and advising them in executive session, he thinks that they should consider item # 2. Mayor Moya agreed.

Item # 2- The City Commission will consider the confirmation of the engagement of Mr. John Hightower, Attorney at Law with the law firm of Olson and Olson, PC, Attorneys of Houston, Texas, to represent the City of Galena Park, Texas, and it's elected and appointed officials in the lawsuits reference above and in any related proceedings; and to assist the City Attorney in connection with other issues related to disputes over the governance of the city and a proposed charter amendment election. Commissioner Flores made a motion to accept Olson and Olson, PC, Attorneys of Houston, Texas to represent the City of Galena Park, Texas, and it's elected and appointed officials in the lawsuits reference above and in any related proceedings; and to assist the City Attorney in connection with other issues related to disputes over the governance of the city and a proposed charter amendment election. Commissioner Serna, 2nd ...Vote: 5 Ayes... Motion Carried.

Mayor Moya called for an adjournment to proceed into closed executive session. Commissioner Flores made a motion to proceed into closed executive session. Commissioner Simms, 2nd...Vote: 5 Ayes... Motion Carried.

Mr. Hightower stated to Mayor Moya that in one lawsuit she is the plaintiff and in the other law suit she is the defendant and in his opinion Mr. DeFoyd is correct on stating that the Mayor is entitled to be included in the discussion of the second law suit, but not the first. Mayor Moya agreed. Mr. Hightower stated that they would go into closed session and talk about the first lawsuit then come out and invite the Mayor into the discussion of the second lawsuit. Council adjourned into closed executive session at 4:38 p.m.

Council returned to open session from closed session at 4:50 p.m.

Mr. Hightower stated that one thing that needed to be discussed in open session was that the Judge that heard the temporary restraining order is no longer involved in the case. Mr. Hightower stated that Mr. Kyle Carter has graciously volunteered to act as a mediator in the case and to meet with the parties and try to help resolve the matter. Mr. Hightower stated that Mr. Carter stated he knew the Mayor, Mr. DeFoyd, at least one council member. Mr. Hightower stated that he told Mr. Carter he would recommend it to the council and the Mayor's attorney stated that he would recommend it to the Mayor as well. Mr. Hightower stated that he thought it would be appropriate for the council to make a motion to accept the offer of mediation and to appoint a couple of council members to represent the council in the mediation between the Mayor and the Councilman.

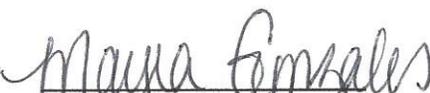
Commissioner Simms moved to accept Judge Carter's offer to act as mediator and to designate Commissioner Serna and Commissioner Flores to act as the councils representative in the mediation. Commissioner Killough, 2nd...Vote: 5 Ayes... Motion Carried.

Mr. Hightower asked the Mayor if she was okay with the motion for mediation, before they set it up. Mayor Moya stated she was fine with it.

Mr. Hightower briefed the council on the Ponder VS. Danny Simms, et al. Mr. Hightower stated the original case was file under the county court, which was the wrong place to file that kind of law suit. Mr. Hightower stated that the plaintiff, Mr. Ponder, and his lawyer realized that after Mr. Hightower pointed it out and they filed a new law suit in Harris County District Court. Mr. Hightower stated that the Mayor, all Commissioners, City Administrator, City Secretary, and City Attorney were named as defendants. Mr. Hightower stated that he filed the response on Friday and it was due Monday. Mr. Hightower stated that the plaintiff has the next move on what they want to do going forward. Mr. Hightower stated that if the council had any question on the Ponder case they could adjourn into executive session. Councilmembers decided that they did not need to go into executive session to discuss the law suit by Mr. Barry Ponder.

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

Meeting adjourned: 4:56 P.M.


MAYRA GONZALES
CITY SECRETARY


APPROVED