

# The City of Galena Park

## City Commission Meeting

Date: July 21, 2015

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 July 21, 2015.

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
	Raquel Fleischer	Translator

Item # 1- Mayor Moya called the meeting to order at 6:00 p.m.

Item # 2- Mayor Moya asked if anyone wanted to give the invocation. Ms. Dawn Fisher gave the invocation.

Ms. Taggy Hall, a citizen, asked for everyone to pray for Rev. Bailey who had brain surgery that morning. Ms. Hall stated that about two hours ago they had an emergency three houses from her. There was a fire in the attic, an electrical wire caught on fire. Ms. Hall stated that life flight came out and they took him over to Methodist. Commissioner Killough asked what hospital Rev. Bailey was in. Ms. Hall stated Park Plaza. Mayor Moya stated that Rev. Bailey's family called her and for everyone to keep him in their prayers.

Mr. Broussard, a citizen, asked Mr. Pruet about the mowing between Bank and Fidelity. Mr. Broussard stated that he had an 8 foot snake in his garage. Mr. Broussard stated that he uses his garage for storage and laundry, and his wife almost stepped on him. Mr. Broussard stated that he tried putting poison in his garage. Mr. Pruet stated that it looks like the city is going to have to go out and mow it and they would get it done before the end of the week. Mr. Jack Brown, a citizen, asked why the city didn't send the county a bill for mowing the grass for them. Mr. Pruet stated that they may send us one.

A citizen, stated Good Afternoon to the Mayor, Council, Galena Manor, and Galena Park. Ms. Fleischer translated. He has been observing the good job that you are all doing. I would like to congratulate you for having a new business in Galena Park, Family Dollar or something like that. What he would like to ask is if they have taken into consideration that Galena Park is crossing Clinton Dr. We understand, see, and know the traffic that goes down Clinton Dr., and what do they have in mind for the people and children that are going to cross Clinton to go to the store. I think that you have the necessary measures to avoid an accident from happening. I'm sure Ms. Killough can take preventive measures in those cases when necessary. He has always said to avoid calling 911, because when they call 911 it is already too late. That is my concern and I congratulate you all.

Mr. Barry Ponder, a citizen, stated that he pulled up the agenda on Saturday and saw that the city was going to make Mr. Joseph Thibodeaux associate Judge for two years. Mr. Ponder wanted to know who put it on the agenda and has the ordinance changed. Mr. Ponder stated he had Article 8.1400- Associate Municipal Court Judges, and read... Upon the passage of this article, the city commission shall immediately appoint a municipal judge and one associate judge whose terms

shall be deemed to have commenced on June 1, 2004, and shall end on May 31, 2006. The city commission shall thereafter appoint a municipal judge and one associate municipal judge during the month of May immediately after the general election every two years. Mr. Ponder asked if he had the current ordinance. Ms. Gonzales stated that she did not know off the top of her head and she would look into it. Mayor Moya asked when the ordinance was adopted. Mr. Ponder stated it was 2004. Mr. Ponder stated that he received this ordinance from Ms. Gonzales last year and he did not know if it had been revised.

Ms. Dorothy Harding, a citizen, asked Commissioner Flores if he had found anything out on the train situation. Mr. Flores stated that he contacted Ms. Espinosa, in Public Relations with Union Pacific, and left a voicemail and is waiting to hear a response back from her. Commissioner Flores stated as soon as he hears back from her he will let her know. Ms. Harding stated that she was held up on Clinton Dr. for 25 minutes by the train. Ms. Harding stated that the engineer got very upset and angry at some of the people that went up to his window and talked to him about the train being there so long. Mayor Moya stated that she has her personal phone number and she would call her after the meeting. Mayor Moya asked Ms. Harding if she got the engineers name. Ms. Harding stated that all she got was the engine number. Mayor Moya asked Ms. Harding to give her that information so that she can relate the information to Ms. Espinosa. Commissioner Flores stated that one of them will take care of it and Ms. Espinosa will also be at the CIP meeting next month.

Mr. Eric Broussard, a citizen, stated that he had a question about an item on the agenda. Mr. Broussard asked if the council would explain Ordinance 2015-11 to him. Mr. Broussard stated that he has heard of Municode and he knows what they are about, but he wants them to explain what they plan on doing with it. Mr. Defoyd stated that Municode is a publishing company that publishes municipal ordinances for almost every city in Texas. Mr. Defoyd stated that he had been working on updating the municipal code for about two years. Mr. Defoyd stated that this has been an ongoing research and provision program. Mr. Defoyd stated that over the two years he has worked with the attorney's from Municode, the city secretary, and himself. Mr. Defoyd stated that the code is finally fixing to be published, so that it will go online and the citizens will access to the code and all the city ordinances on the city website free of charge. Mr. Defoyd stated that if they had any questions or wanted to read any ordinances, they could go on to the city website and read them. Mr. Broussard stated that the ordinance states prior to 2013 and will that be repealed? Mr. Defoyd stated that what that meant was everything that everything from 2013 and forward would be an additional publication, and they would catch it up. Mr. Defoyd stated that they started working on this two years ago and it has taken this long to go through the whole code. Mr. Jack Brown, a citizen, asked if anyone was checking the written ordinances now compared to the Municode ordinances. Mr. Defoyd stated that is what they did and came up with the code that they are proposing to council to approve. Mr. Brown asked if someone was watching to make sure that they were doing it right. Mr. Defoyd stated yes. Mr. Broussard asked if any ordinances needed to be changed, because he knows that Municode is very strict and all ordinances must be according to law. Mr. Defoyd stated that all ordinance have been brought up to date and accordance with the existing state law. Mr. Defoyd stated that many of the ordinance were repealed by state law and that is what took so long to make it in compliance with state law today.

Mr. Tim Wehmeyer, a citizen, stated that at the last meeting he was at he asked about the law suit that Mr. Pruett and Mr. Simms filed against Mr. Ponder. Mr. Wehmeyer stated that he asked the Council and everyone at the table that since nobody showed up, Mr. Hightower showed at it had nothing to do with the city law suit. Mr. Wehmeyer stated that last time nobody knew if the city of Galena Park had paid Mr. Hightower to attend. Mr. Wehmeyer stated that he did an open records and the City of Galena Park paid \$805.00 to an attorney that was there representing Mr. Simms and Mr. Pruett and it was not even the city case. Mr. Wehmeyer asked why they paid Hightower that amount of money. Commissioner Simms stated that he had no idea and did not know that he was supposed to be there. Commissioner Simms stated that Mr. Wehmeyer knew more that he did. Mr. Wehmeyer stated that they are the Commissioners and it is the City of Galena Park money and it is

not even a city case. Mr. Wehmeyer stated that he asked Commissioner Flores why Mr. Pruett was on the bank account and Commissioner Flores stated that he was not on there. Commissioner Flores stated that he told him he was not sure if he was on it or not. Mr. Wehmeyer asked that as a Commissioner doesn't Mr. Flores think he should know that. Commissioner Flores stated that he was not going to lie to him and tell him he was or he wasn't without knowing the facts. Commissioner Flores stated that back to the question of Hightower being paid, the research that he did, there are several law suits that are pending against the city and Mr. Hightower is doing depositions on certain people of the committee who took the petitions. Commissioner Flores stated that he knows there are a lot of charges going around. Mr. Wehmeyer stated that has nothing to do with the other lawsuit and he will show Commissioner Flores after the meeting. Mr. Wehmeyer read the invoice...attend hearing on anti-slap motion, leave message for Levalle, review email tlc, for \$805.00. Commissioner Flores stated that he would look at what Mr. Wehmeyer had and he would get with him. Mr. Wehmeyer stated that had nothing to do with the city. Mr. Wehmeyer stated that the commissioners should know who is on the back account, for Commissioner Flores to tell him that he didn't know is unacceptable. Commissioner Flores stated that he told him he was going to do his research, it was a one on one conversation between them.

Ms. Taggy Hall, a citizen, stated that she would like to compliment the paramedics. Ms. Hall stated that Ms. Goodbeer fell out of her bed one morning and she called the paramedics and they were there on the spot. Ms. Hall stated that she would like to give them a big hand.

Ms. Dawn Fisher, a citizen, stated that their church has started up what they call Wacky Wednesdays for the children and sometimes the adults participate. Ms. Fisher stated that they fun things on Wednesday nights. Last week they did water, swimming pool, and they have snacks. Ms. Fisher stated that anybody that wanted to attend is welcome, but if they do take a child they ask that they stay with their child. Ms. Fisher stated that it was Second Baptist Church on the corner of 18<sup>th</sup> and Main.

Item # 4- Consider approving the minutes of regular meeting on July 7, 2015. Commissioner Killough moved to approve the minutes of July 7, 2015. Commissioner Flores, 2<sup>nd</sup>...Vote: 5 Ayes...Motion Carried.

Item # 5- Consider ratifying accounts payables from July 2, 2015 through July 7, 2015. Commissioner Flores moved to approve ratifying accounts payables from July 2, 2015 through July 7, 2015. Commissioner Serna, 2<sup>nd</sup>...Vote: 5 Ayes...Motion Carried.

Item # 6- Consider approving Ordinance 2015-11- adopting and enacting a new code of ordinances for the City of Galena Park published by Municode. Mr. Defoyd read ordinance aloud. Commissioner Simms moved to approve Ordinance 2015-11- adopting and enacting a new code of ordinances for the City of Galena Park published by Municode. Commissioner Serna, 2<sup>nd</sup>...Vote: 5 Ayes...Motion Carried.

Item # 7- Consider approving the quarterly investment report ending June 30, 2015. Mayor Moya called on Nannette Moreau, Treasurer/Bookkeeper. Ms. Moreau read the quarterly investment report as follows. The city started the quarter with \$1,705,539.79. The city had only two cd's this quarter with interest. One was in the general fund with \$28.29 in interest and the water fund with \$69.24 in interest, giving the city an ending balance of \$1,705,637.32. Commissioner Killough moved to approve the quarterly investment report ending June 30, 2015. Commissioner Simms, 2<sup>nd</sup>...Vote: 5 Ayes...Motion Carried.

Item # 8- Consider approving the appointment of Joseph Thibodeaux as associate judge for a two year term. Commissioner Killough moved to approve the appointment of Joseph Thibodeaux as associate judge for a two year term. Commissioner Flores, 2<sup>nd</sup>. Mr. Eric Broussard asked Mr. Defoyd if it was legal or not. Mr. Defoyd stated that the commission was filling a vacancy caused by the

death of Judge Biggs. A citizen stated that was two years ago. Mr. Defoyd stated that it didn't matter, there was a vacancy and the commission can appoint any associate Judge when you have a vacancy. Mr. Defoyd stated that it did not matter if it was May, June, or July, he will fulfill the remaining two year term, whatever it may be. Mr. Broussard stated that it says a two year term and that is not true. Mr. Defoyd stated the remainder of the two year term. Mr. Defoyd stated if everyone was clear on it and if anyone had a problem with it. Mayor Moya stated to Mr. Defoyd that he needed to control his temper, they are on the panel and they need to respect their constituency. Mr. Barry Ponder, a citizen, stated that they just want to make sure that they follow the ordinance and clear it up, they were not trying to upset Mr. Defoyd. Mr. Defoyd stated that they were not upsetting him. Commissioner Killough asked Mr. Defoyd if they could add in the words, for the remainder of. Mr. Broussard stated that is all they wanted. Ms. Gonzales asked to make it clear will it be ending May 2016. Mayor Moya stated yes. Commissioner Flores stated that they had a motion on the floor and do they have to amend that motion. Commissioner Killough moved to approve the appointment of Joseph Thibodeaux as associate Judge for the remainder of the two year term. Commissioner Simms stated which ends May 2016. Commissioner Killough stated that she was going to change her motion at the time. Commissioner Killough moved to approve the appointment of Joseph Thibodeaux as associate Judge for the remainder of the two year term which ends in May 2016. Commissioner Simms, 2<sup>nd</sup>...Mayor Moya stated that she thought they had agreed on to end, not which ends. Mayor Moya asked Mr. Defoyd which would be the correct wording. Mr. Defoyd stated to fulfill the term ending. Commissioner Flores stated that they had to amend the motion. Mayor Moya stated that Commissioner Killough had to get the correct wording from Mr. Defoyd. Commissioner Killough stated that she was going to withdraw her motion and change it. Commissioner Killough moved to approve the appointment of Joseph Thibodeaux as associate Judge for the remainder of the two year term ending in May 2016. Commissioner Simms, 2<sup>nd</sup>...Vote: 5 Ayes...Motion Carried.

Item #9- Consider approving the appointment of Ernesto Cantu to the Civil Service Board. Commissioner Flores moved to approve the appointment of Ernesto Cantu to the Civil Service Board. Ms. Taggy Hall asked what was the civil service board. Mayor Moya called on Mr. Defoyd to answer the question. Mr. Defoyd stated that the civil service board was established by state law to the City of Galena Park in 1947 or 1948. Mr. Defoyd stated that the city adopted a civil service act requiring a civil service board to be appointed under the civil service act of the State of Texas. Ms. Ms. Hall asked what do they do. Mr. Defoyd stated that they handle appeals and problems or issues that may arise in the Galena Park Police Department or Fire Department of the civil service law of the State of Texas. Mr. Defoyd stated that they handle appeals when they have terminations and can conduct investigations, but their duties are set by state law. Mayor Moya asked who nominates them to be appointed. Mayor Moya asked if there was a source, because she never knew that. Mr. Defoyd stated that the city commission appoints the civil service commission. Mayor Moya asked who nominates and asked if it was the Chief of Police. Mr. Defoyd stated it was the city commission and each of them have a vote and each of them nominate who they want. Mayor Moya stated that it was just a question and he needed to calm down and just answer the question. Mr. Defoyd stated that he was answering her question and he is not calmed down. The question is very simple the city commission can appoint the civil service commission. Commissioner Flores stated that he nominate Mr. Cantu for that position. Ms. Dorothy Harding asked how many people were on the board. Mayor Moya stated that she read on how they are nominated and she thinks it is 4 people who serve. Commissioner Simms 2<sup>nd</sup> the motion. Mayor Moya asked Commissioner Serna if it was her brother in law. Commissioner Serna stated yes. Mr. Robert Clowers stated to Mr. Defoyd that he said the fire department was under civil service and they are not. Mr. Defoyd stated that the act says police and fire, but he is right it is only the police department because they did not have a fire department at the time. Mayor Moya asked if Commissioner Serna can vote. Commissioner Serna stated that she abstains. Mayor Moya stated that she is just checking for the record, otherwise it will show her as voting. Vote: 4 Ayes...Motion Carried.

**Item # 10- Consider approving the part time employment of Javier Solano- Fire Department. Commissioner Flores moved to approve the part time employment of Javier Solano. Commissioner Serna, 2<sup>nd</sup>...Vote: 5 Ayes...Motion Carried. Mayor Moya welcomed him and stated that he was going to be working with a great group of guys.**

**Item #11- Consider approving the full time employment of Robert Wright as water utility technician- Water Department. Commissioner Simms moved to approve the full time employment of Robert Wright- water utility technician- Water Department. Commissioner Flores, 2<sup>nd</sup>...Vote: 5 Ayes... Motion Carried. Mayor Moya welcomed him and stated that he would also be working with a great group of people.**

**Mayor Moya asked for announcements from the audience.**

**Commissioner Killough stated that she had two. Commissioner Killough asked for Mr. Paul Henry to come forward. Commissioner Killough stated that they would like to give him a plaque for faithful and honorable service to the Galena Park Police Civil Service Commission effective July 2015. Commissioner Killough stated that they appreciate all he has done and his service. The audience applauded. Mayor Moya congratulated him.**

**Commissioner Killough stated that she had an open letter to the citizens of Galena Park. I have lived and worked in Galena Park and North shore communities for 50 years. I have served on County Boards, PTA Boards, Retired Teachers Boards, and many other community organizations. I led a staff of about 110 people and a student population of 1000 students. I hope to be able to improve the city of Galena Park by serving on city council. All the new commissioners and the mayor were required to attend training. We were trained in how to legally run city council meetings and our charters were explained to us by legal experts. I am not able to properly serve the people who elected me because of the actions of the mayor. She refuses to run a legal council business meeting. During her campaign she violated many rules of the Ethics Commission. She has not filed appropriate campaign finance reports. She has threatened council members. She has illegally fired city workers. In her hunger for power, her actions and the many frivolous lawsuits she has filed have cost the taxpayers \$100,000 to date. She filed a lawsuit to freeze the city bank accounts. She refused to sign a contract that kept our sewer plant operating. She has lied to the voters promising to lower their water bills. We purchase 90% of our water from the City of Houston. They can charge whatever they like and their fees will only go up. Shame on you, Mrs. Moya. What has this Mayor done in 13 months to move our city forward? Nothing. What has she accomplished, besides making our council meetings and her Mayor ship a laughing stock across the state? Nothing. We have serious obstacles to overcome. Our sewer and drainage problems require a long range plan. In these 13 months the mayor has not had one planning meeting with the other commissioners to address the serious needs of our city. This Mayor is not a victim. She is a drama queen who wants to run the city like a dictator. She refuses to follow the rule of law. Our council meetings are a circus. She encourages rude and belligerent behavior. When we try to interject, she refuses to allow the rest of us to give our opinions by hollering over us. She attacks us, our city attorney, our police chief, and the city administrator who saved the city from bankruptcy. She cannot make unilateral decisions which involve the city assets, buildings, or resources. She must present initiatives to the rest of council for a vote. We are all equal. The rest of the council members have records of volunteering in the community for many years. All of us have experience on various boards. What volunteer record does this mayor have? I appreciate the 71% of voters who voted for me. However, my voters are not the kind of people who want to disrupt council meetings and the business of the city. I have enjoyed my work with the commissioners and workers who keep our city going. I hate to disappoint them. I am tired of our meetings being run like a circus orchestrated by the Mayor. I refuse to be part of the Moya drama show. I am resigning my council position at the conclusion of tonight's meeting. The crowd applauded. Mayor Moya stated that first of all she thinks the citizens speak for themselves. Mr. Pruett asked who made a comment. Commissioner Flores stated Ponder.**

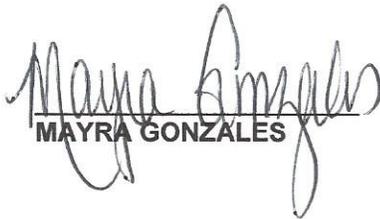
Mr. Pruett stated for them to escort him out. Mayor Moya asked what. Commissioner Killough stated do not let the door hit you in the ass. Mr. Pruett asked who made the comment and for them to stand up and be a man. Mayor Moya asked Mr. Pruett to calm down. Mr. Pruett stated to Mayor Moya for her to call the crowd to order. Mayor Moya stated that it was a good thing that they have video and meeting minutes, that the citizens can see themselves what really goes on in the meetings. Mayor Moya stated that they can also google them and find out their history. Mayor Moya stated that Commissioner Killough also served in the school, but asked why she was let go from the school. Commissioner Killough stated that she was not let go and there was one of the board members in the audience. Mayor Moya stated that she was not going to sit down and argue with everybody. Mr. Pruett stated for them to make a motion to adjourn. Mayor Moya stated that they were trying to run the meeting again. Commissioner Simms stated to Commissioner Killough that she was still welcomed. Commissioner Killough thanked Commissioner Simms. Commissioner Flores stated to Mayor Moya for her to do her job. Mayor Moya stated that the panel speaks for itself.

Commissioner Simms moved to make a motion for adjournment.

Ms. Delagarza stated that she had something to say. Mayor Moya stated that is why the media is there, because this was planned. Ms. Delagarza stated that she has known the Mayor since her son was 6 years old. Mayor Moya stated that she knew her, her husband, and her daughter. Ms. Delagarza stated the her daughter went to school with her son. Mayor Moya stated yes at Our Lady of Fatima and St. Phillip. Ms. Delagarza stated that the Mayor never looked at her and just walked by her. Mayor Moya stated that she didn't pick her son up, because she was working. The audience started speaking over her. Commissioner Flores stated to let her speak and that they don't like to hear the other side. Mayor Moya stated and that is why North Channel Star is there.

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

Meeting adjourned: 6:48 P.M.

  
MAYRA GONZALES

  
APPROVED