

The City of Galena Park

City Commission Meeting

Date: October 20, 2015

A regular meeting of the City Commission of the City of Galena Park was held at City Hall in Council Chambers, Tuesday evening at 6:00 P.M. on October 20, 2015.

Present were:	Esmeralda Moya	Mayor
	Danny Simms	Commissioner
	Cruz R. Hinojosa, Jr.	Commissioner
	Maricela Serna	Commissioner
	Juan Flores	Commissioner
	Mayra Gonzales	City Secretary
	Robert Pruet	City Administrator
	Jim DeFoyd	City Attorney

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

Item # 2- Mr. Robert Clowers gave the invocation

Item # 3- Comments from the audience

Mr. Jack Brown, a citizen, stated that he saw on the agenda where the council plans to move the regular council meeting from city hall to the Alvin Baggett Community Building. Mr. Brown stated that it was against the charter, the charter states that all meetings are to be held at city hall in the City of Galena Park. Mr. Brown stated that the council can move the date, but they cannot move the location.

Mr. Robert Clowers, a citizen, stated that he agrees with Mr. Brown. Mr. Clowers stated that the council does not have the authority to change the locations of the council meetings. Mr. Clowers stated that if they will read article 9 section 10, it fully explains what they can and can't do. Mr. Clowers stated that if they move the meeting they will be in violation of the city charter. Mr. Clowers stated that each one of them, when they were elected took an oath that they would uphold the city charter, state law, and the federal laws; it is about time that the city commission starts abiding by the charter. Commissioner Simms asked Mr. Clowers how many years was he on council that he actually told people in the room that the voting would be at city hall and the election had been moved to the bagget building or the Churchill building. Commissioner Simms stated that he is pretty sure that Mr. Clowers did the same thing most every year that he was on council, that they are doing there. Mr. Clowers stated to Commissioner Simms that he knows that he has protested... Commissioner Simms stated that he did not know. Mr. Clowers stated that Commissioner Simms had a very short memory, because he has brought it up to the city attorney, not as much as he has the city administrator position, but he brought it up to Jim and Mayor Barrett. Commissioner Simms stated that when they would go around the table and ask for announcements at the end of the meeting, Mr. Clowers was the first one to pump everybody up and tell them where and when the election was and for them to get out and vote. Commissioner Simms stated that Mr. Clowers never made one word about this until now. Mr. Clowers stated that if Commissioner Simms remembers he would tell people that early voting was at the library and he has never told anybody to go to the city hall and vote. Commissioner Simms stated that he did not think Mr. Clowers was right. Mr. Clowers stated that Commissioner Simms never thought he was right, he questioned him about the insurance and he didn't think he was right. Commissioner Simms stated that he was still not right. Commissioner Simms asked Mr. Clowers was he right when he slammed him through his church because of politics. Commissioner Simms asked Mr. Clowers if he told everybody about that. Commissioner Simms stated to Mr. Clowers that he was going to pay for that one day and he wasn't

going to have to answer to Danny Simms, he is going to have to answer to the all mighty. Commissioner Simms stated the Mr. Clowers tried to ruin him through his church. Mayor Moya asked Mr. Defoyd if he could give them some clarification. Mr. Defoyd stated that reasonable interpretation, if the city hall is not available for a valid reason, and an election is a valid reason. Mr. Defoyd stated that there is no reason why they could not move the meeting to another location. Mr. Defoyd stated that he did not see a problem with it, and if he is a reasonable person, if you burn city hall down then where do you have a meeting. Mr. Defoyd asked do they have it out on the street and are they saying city council has no authority to move the meeting. Mr. Defoyd stated that was his opinion. Mr. Clowers stated that the Mayor tried to change the meeting location to the Alvin Baggett building so that they would have enough room and Mr. Defoyd sat in that chair and said it was in violation of the city charter and they could not do it. Mr. Defoyd stated that you have to have a valid reason. Mr. Defoyd stated that the city has been doing this for 50 years when they have an election. Mr. Clowers stated that they have violated...Mr. Defoyd stated that was going to be his last word and he was not going to argue with Mr. Clowers. Mr. Defoyd stated that when you have an election that is a reason, just like if you had a fire and that is a reason to move the meeting. Mr. Clowers stated that if there was a fire the building would be gone. Mr. Clowers stated that the charter states that they can move the date and all they would have to do is move the meeting from Tuesday to Thursday or Wednesday. Mr. Pruett stated to Mr. Clowers that he seems to recall and he goes back 20 to 25 years, that Mr. Clowers was a Precinct Judge during these elections. Mr. Clowers stated that was correct. Mr. Pruett stated that he seems to recall that he made these announcements during the time that he was a Precinct Judge. Mr. Clowers stated that when he was a Precinct Judge he was not on the commission. Mr. Pruett stated that it was a Mayor and Council decision, but he is just recollecting that Mr. Clowers was a Precinct Judge during most of these elections and not one word came out of him about it, and why is it an issue now. Mr. Pruett stated that when he served on the council it was not an issue and now that he is John Q citizen and he is facing Mayor and Council it is an issue. Mr. Barry Ponder, a citizen, stated that he is listening to both sides and what difference does it make what was done 15-20 years ago. Mr. Ponder stated to follow the charter now, and Mr. Clowers is right, they took an oath to follow the charter and the charter states that they have to have it at city hall. Mr. Ponder stated that they could move the date, it is a simple fix. Mr. Ponder stated if they could fix that an they could satisfy everybody. Commissioner Simms asked, why don't they just not hold the election and have city council meeting, that would be a fix. Mr. Ponder asked why they couldn't just change the date. Commissioner Simms stated that they could, but they had done that and there had never been a problem in the 14 years he has been on council, until the last two years. Mr. Ponder stated to Commissioner Simms that he understood that, but as a city council Mr. Simms has said himself that they never follow the charter. Mr. Ponder stated that at some point you have to put a stop to it and say let's follow what the citizens ask us to do, we have a charter, lets follow it. Mr. Ponder stated it was a simple fix, instead of arguing about it, just move the date. Commissioner Serna stated that if they have previous engagements just cancel, she is a busy person and she is busy that date. Mr. Clowers stated to Mr. Pruett that he knows they can't do that, it is state law. Mr. Pruett stated that there is no state law that states that the city has to accommodate the county with this specific building. They can have the county election at the library or the community building, any place that the county officials designate. Mr. Clowers stated that they had to have 208 at city hall, they have got to have a county, state, or federal election at the city hall on the first Tuesday of November. Mr. Clowers stated that it was state law and it was the most asinine statement that he has ever hear Mr. Pruett make. Mr. Pruett stated that he has never seen city hall. Mr. Clowers stated to change the date. Mr. Brown stated that he has talked about it for two or three years now, and basically when you have someone come down to the city council meeting and they have voting, they do not know where to go. Mr. Brown stated that the charter does call for that particular meeting to be held at city hall. Mr. Brown stated if they wanted to try and change the charter, next election go right ahead, in the meantime it does not matter what was said or done 50 years ago, last week, or yesterday, if you are going to follow the rules that were established by our founding fathers, the meeting is at city hall. Mr. Brown stated that it is simple, but they are being really hard headed, because some of them have something to do. Mr. Defoyd stated that Mr. Clowers stated it was stated law to hold the council meeting at city hall. Mr. Clowers stated that he did not.

Mr. Pruettt stated that was exactly what he said. Mayor Moya stated that they have the charter. Mr. Defoyd stated that he does not think it is the law to have the election at city hall. Mr. Clowers stated that he would agree that you cannot have the meeting at city hall the first Tuesday of the month, but they are not listening, they can change the date. Mayor Moya stated that when they come to that item they will come back to Mr. Clowers concern.

Mr. Jerry Patton, a citizen, stated that he had an open records request that Mayra gave him in a timely manner, and he appreciates everything Ms. Gonzales does. Mr. Patton stated that the gas allowances that we give to certain city employees, and there are 6 people that we give this to. Mr. Patton stated that in a private sector, after a year it becomes taxed. Mr. Patton asked if it was being taxed. Mr. Pruettt stated yes, they get taxed on it. Mr. Patton asked if they can provide documentation at a later date to show that. Commissioner Serna stated that was your income tax and that is privileged. Mr. Pruettt stated that Nanette can provide it for him. Mr. Patton stated that he appreciated a response on that and his next question is, is the city a part of the American Waterworks Association. Ms. Tojuana Cooper, Water and Sewer Superintendent, stated that her membership had expired and she had it in her budget to rejoin. Mr. Patton stated that with that association they have recommended practices of water audits, lost control, maintenance of fire hydrants, and a lot of good information that would add to the leadership at the city of galena park. Mr. Patton stated that he would really like to see the city involved in that where they can improve the quality of the services that is so desperately needed in the city. Mr. Patton asked Commissioner Hinojosa if the city could pass a TCOLE audit with the police department. Chief Rader stated that they just passed one. Mr. Patton stated that with that have they found any way of getting more police officers. Chief Rader asked if full time. Mr. Patton stated yes. Chief stated that they would have ask council for the money. Mr. Patton stated that they have two officers on days and a Sargent and he does not see a lot of participation. Mr. Patton stated that he knew of one that applied and is now working for Liberty County, Phillip Villarreal, he thought he was a pretty good candidate. Mr. Patton asked why he wasn't hired. Mr. Patton asked Commissioner Hinojosa if he was engaged with the process. Commissioner Hinojosa stated that he was not engaged with the process. Mr. Pruettt stated that involves a personnel matter and they could not discuss it even if they wanted too. Mr. Pruettt stated that the city of galena park is a civil service police department and many of the rules that they have to adhere to are written under section 143 of the Texas Civil Service code. Mr. Pruettt stated that the Mayor and the council are limited in some of the hiring practice other than the final confirmation. Mr. Pruettt stated that they can yay or nay any individual that applies. Mr. Pruettt stated that they first must take the Civil Service test, pass the test and pass the background to be considered for employment. Mr. Pruettt stated that many of the things that Mr. Patton is talking about are regulated under 143. Mr. Patton stated last, but not least, he does appreciate them giving him the fire hydrant information on being inspected. Mr. Patton stated that on August 2nd at 2:00 a.m. the Methman residence was on fire. Mr. Patton stated that he spoke to the individual and he was told that the fire hydrant was not working. Mr. Patton stated that according to the records the fire hydrant was not inspected prior to the fire. Mr. Patton asked what the city was going to do to make sure that they are checked on a daily, monthly, and annually basis. Mr. Patton stated that now we have a liability here. Commissioner Hinojosa stated that he didn't know if Mr. Patton was at the meeting where they discussed that the fire hydrants weren't being checked prior to when he come onto city council which was August 4th. Commissioner Hinojosa stated that there was a method of understanding between the water department and the fire department; the fire department checks all the meters to make sure they work and the water department repairs them. Mr. Patton stated that the fire hydrant on 15th St. was repaired by a contractor. Ms. Tojuana Cooper, Water and Sewer Superintendent, stated that some fire hydrants do require contractors to get involved.

A citizen stated that the council and the citizens are responsible for following the charter. The citizen stated that the council should take their time and read it carefully and do the best that they can do. Mayor Moya stated that she has read and knows it back and forth.

Mr. Prevost, a citizen, stated that around the community center in Galena Manor there is a path way that has been patched by the city. The citizen stated that it is rocks and gravel and has been for two months, how long does it take for the city to put a little black top. Mayor Moya called on Commissioner Flores. Commissioner Flores asked David Binning, Public Works Director, if he can give them an update on the project. Mr. Binning stated that they do patch it and there are several more spots on that road that need to be repaired. Mr. Binning stated that the plan is to have another section of it refaced, then come in and have it paved. Mr. Binning stated since it is not a public road, it is not on the high priority list. Mr. Binning stated that when they go over there to fix that road, they get called off to fix another road, and the public streets take a higher priority than that road. Mr. Binning stated that it did not make sense to patch a little here and there, they want to get it all refaced, then get it paved. Mr. Binning stated that they have not forgot about it and it is on the list, but they are trying to work it in along with all the other street repairs and pothole repairs they have on a daily basis. Mr. Prevost stated that it has been two months and they do get a lot of stuff over in Galena Manor that never gets repaired. Mr. Binning stated that they get that all over the city, it is just not his area. Mr. Binning stated that they have one crew that is responsible for it all, they do work, regardless of what a lot of people there think. Mr. Binning stated that they do work hard and people are taking pictures of them when they are on their water break, but they do work. Mayor Moya asked if Mr. Binning knew when he was going to be able to go to that area. Mr. Binning stated that it would be about another month or two. Mayor Moya stated that she thinks that they should try to expedite that. Mr. Pruettt stated, like Mr. Binning said, that is not a public access road, it is a city service road that goes in behind there. Mr. Pruettt stated that the priority is going to take a back seat to the public access roads. Mr. Prevost stated that galena park is not that big and two months is a long time to have it like that.. Mr. Pruettt stated that it will get done and when they order asphalt they order it in bulks to get it all at once and it will bond better than if they patch a little here and there. MR. Pruettt stated that they need a good base and sealant, otherwise the next rain or dump truck that goes back there will crack it. Mr. Pruettt stated to be patient it will get done and the public access roads are a priority at the moment. Mr. Pruettt thanked Mr. Prevost for his concern.

A citizen followed up with the council on a concern she had a few meetings ago. The concern was on the potholes in the Middleton's parking lot and Melissa's parking lot. Commissioner Flores stated that he had met with the gentlemen at Middleton's and he has already fixed some of the bigger potholes. Commissioner Flores stated that Raul, Code Enforcement Officer, had been out there talking to the owner trying to get them to comply. Commissioner Flores stated that the owner at Middleton's stated that he will have a little more money in the spring and he can do a bigger project. Commissioner Flores stated that the owner at Melissa's stated that at this time they don't have the funds to fix it, but they will try to raise money to get it fixed. Commissioner Flores stated that they would continue to monitor the situation.

A citizen asked if all the comments that are being made are they only for the city or private property. Mayor Moya stated that this is a city meeting and they can ask about any concerns.

A citizen raised concerns about how high her water bill has been. A citizen asked if there was an interpreter there. Mayor Moya stated that she would interpret. The citizen stated that she has a garage apartment in the back of her house and they don't even use it. Mayor Moya called on Ms. Gonzales and stated that the customer wants to know if it is normal for her to get double billed for the garage apartment. Ms. Gonzales stated that if she has a garage apartment and uses 0-3,000 gallons she will get billed for it. Ms. Gonzales stated that if the citizen wishes to have a separate meter for the garage apartment, we can separate it and only charge her for one when one is only being uses. The citizen stated that they have not rented out the apartment in a long time. Ms. Gonzales asked the citizen if they still had plumbing in the garage apartment. The citizen stated yes, that is how it has been for a long time. The citizen stated that he believes he is being over charged, because \$180.00 is a lot for two people. Ms. Gonzales asked if she can have his number after the meeting and she will look up his account tomorrow. Ms. Gonzales stated that she did not have his account information at the time and she will make sure to send someone out to check his meter.

Commissioner Flores stated that if they can come by city hall tomorrow, because they didn't have their account information at the time and they would help them. Mayor Moya stated that she would be in tomorrow and they can sit down with Ms. Gonzales and review the account information.

Mr. Barry Ponder, a citizen, stated that he has been coming to the council meetings quite a bit now and has been hearing a lot of complaints about the water bill. Mr. Ponder asked if there were some tricks that the citizens can do themselves to determine if they have a water leak. Mr. Ponder asked if they can put it in the water bill for the citizens. Mayor Moya stated that what she thinks they do is that they send someone out first then they can give them some tips. Mayor Moya stated that some of the complaints she has received is that the meter is still then in a blink of an eye it moves and flushes everything out. Mayor Moya stated in terms of pointers she is sure that is something that they can do. Commissioner Flores stated that Ms. Cooper and himself were talking about the cost of water increasing throughout Texas and it will continue to for years to come. Commissioner Flores stated that they need to help the citizens conserve and offset the cost. Commissioner Flores stated that they spoke about having workshops for the citizens in different areas to bring people out that have concerns and educate people on what exactly is going on with the bill. Commissioner Flores stated Ms. Cooper has a lot of information she is putting together and hopefully in November or January they can a couple of workshops. Mr. Ponder stated that was wonderful, but for now maybe they can put something in the newsletter to help the citizens. Mr. Ponder stated that in the past they would put blue dye in the toilet and if you saw it in the bowl you would know you had a leak. Ms. Cooper stated that on the consumer confidence report she dedicated a whole page on tips for your kitchen and bathroom. Mr. Ponder asked if it was in the newsletter. Ms. Cooper stated no, but for the newsletter they put periodic tips, but Mayra and herself work on what goes in the newsletter. Ms. Cooper stated that every meter has a leak indicator on it and stated to Ms. Gonzales that she will type up a little census on the meter to see if you have a leak. Ms. Cooper stated that they would work on that.

Mr. Jerry Patton, a citizen, stated that he prays it never happens in Galena Park, but if something happens and they call for a backup and we only have a set amount of people on a shift, their safety is at risk. Mr. Patton asked if that is why we were not getting the adequate amount of police officers here, because they are scared that we don't have the necessary resources to be successful. Mr. Patton stated that if he was a police officer and you got a call and we don't have adequate amount of police officers to back each other up.... Chief Rader stated just like all other agencies, they have a mutual aid agreements with the Port, Jacinto City, Houston, and Pasadena. Chief Rader stated all we had to do is call them and they come. Mr. Patton stated that he wants to make sure that we are successful. Mr. Pruettt stated that if we had an officer in distress he guarantees that we will have 150 police officers within a few minutes. Mr. Jack Brown, a citizen, stated that they had a bomb scare at the high school about a year and a half ago, and he had never seen so many police officers in his life. Mr. Pruettt stated that it is a standard mutual aid policy and it also applies to fire, ambulance, and police. Mr. Patton stated that he looked at the manual and it said 1985. Mr. Patton asked if they were going to get it updated. Chief Rader stated it was about 80 % done.

Item # 4- Consider approving the minutes of regular meeting on October 06, 2015. Commissioner Serna moved to approve the minutes of regular meeting on October 06, 2015. Commissioner Flores, 2nd...Vote: 5 Ayes...Motion Carried.

Item # 5- Consider ratifying accounts payable through October 20, 2015. Commissioner Serna moved to approve ratifying accounts payable through October 20, 2015. Commissioner Flores, 2nd...Vote: 5 Ayes... Motion Carried.

Item # 6- Consider approving Ordinance 2015-13- An Ordinance regulating hazardous air pollutants emitted from engines of certain idling motor vehicles of a gross weight rating of more than 14,000 pounds. Mr. Defoyd read the ordinance aloud. Commissioner Flores moved to approve Ordinance 2015-13- An Ordinance regulating hazardous air pollutants emitted from engines of certain idling

motor vehicles of a gross weight rating of more than 14,000 pounds. Commissioner Cruz, 2nd...Commissioner Flores stated that he wanted to thank Jim for putting this ordinance together. Commissioner Flores stated that he worked with Jim on putting it together and he thinks it is very necessary here in the community. He stated that we needed to cut back on the pollution, you hear a lot of complaints about the pollution and he highly supports this ordinance. Vote: 5 Ayes...Motion Carried.

Item # 7- Consider approving Ordinance 2015-14- Amending article IV at section 54-116 entitled "One way streets" of the code of ordinance of the City of Galena Park, Texas. Mr. Defoyd read ordinance aloud. Commissioner Flores moved to approve Ordinance 2015-14- Amending article IV at section 54-116 entitled "One way streets" of the code of ordinance of the City of Galena Park, Texas. Commissioner Serna, 2nd... Mayor Moya asked if they were going to have a one way street from 7:00 a.m.- 4:00 p.m. Commissioner Flores stated yes. Mayor Moya asked if we were going to have breaks in between like Jacinto City. Commissioner Flores stated no. Mayor Moya asked if they were covering the high school. Commissioner Flores stated no not yet. Commissioner Flores stated that he worked on this ordinance, because he had a lot parents call him with concerns. Commissioner Flores stated that he had Ida Rocha call him with concerns and he worked with her, parents, and school officials and these are the recommendations they gave them. A citizen asked if they were going to let the citizens know bad give a grace period. Commissioner Flores stated that they will give a grace period and keep people informed. Vote: 5 Ayes...Motion Carried.

Item # 8- Consider approving Ordinance 2015-15- Granting Seaway Crude Pipeline, LLC. a permit to renew the existing 20 inch pipeline permit "Line S11". Mr. Defoyd read ordinance aloud. A citizen asked the council if the fees didn't seem kind of low for a petroleum company to pay. The citizen stated that it seems that the City of Galena Park should get far more income than that to disturb the community. The citizen asked what happens if the pipeline burst, with all the money they are making on an annual bases and we are only getting \$800.00 a year. Mayor Moya asked Mr. Defoyd to answer. Mr. Defoyd stated that the city is only allowed to have a permit fee for certain inspections and procedures. Mr. Defoyd stated that the pipeline is covered by the Interstate Commerce Commission and the city is limited as to what they can charge on any products going through that pipeline. The citizen stated that the city is not benefiting from this. Mr. Defoyd stated that the city was benefiting, and the city had many pipelines that run through the city. Mr. Defoyd stated that in the past this pipeline had been combined into one and now with the new ordinance, each pipeline is going to have a permit fee. Mr. Defoyd stated that before they had a 25 year contract to operate all three and now each pipeline has to pay its own permit fee and annual fee. The citizen asked if the fee schedule can be changed or would that be something that the federal government would have to do. Mr. Defoyd stated that the city commission has set any reasonable fee. Mr. Defoyd stated what is a reasonable fee may be litigated in court; a pipeline company may think it is not a reasonable fee. Mr. Defoyd stated if they did decide that then they will sue the city and we will be in court. Mr. Jerry Patton, a citizen ,asked Mr. Defoyd that all pipeline companies have to provide that all pipelines have been tested as far of the safety of those pipelines. Mr. Patton asked if those documents have been provided to the city. Mr. Defoyd stated that was a matter of state and federal law. Mr. Defoyd stated that they are constantly inspected. Mr. Patton asked if someone from the city had reviewed those documents. Mr. Defoyd stated that he assumes...Mr. Patton stated that they cannot assume, there is a liability there. Mr. Patton stated that before they write a permit, should they not investigate that first. Mr. Pruettt stated that federal and or stated government regulate these pipelines and the city cannot get involved in that. Mr. Pruettt stated that all we can do is permit them and the Mayor and Council can set the fee. Mr. Pruettt stated that many of those companies have a monthly budget the size of our annual budget, and if we are not reasonable in the fees and collectively with the other cities, the city just raised the fee's a couple years ago when Mr. Clowers brought it up. Mr. Pruettt stated that if the city is reasonable in the fees, they won't contest us and they will pay the fees. Mr. Pruettt stated that they cannot get out there and regulate Interstate Commerce. Mr. Patton stated that he had been misunderstood. Mr. Patton asked if the city has seen any documentation that the pipeline is safe. Mr. Defoyd stated that the documentation is available to the city and he doesn't

know that the city couldn't view the documentation if they had a problem. Mr. Defoyd stated that the city does not have any authority with regards to inspecting the pipeline. Mr. Patton stated that he thinks that the city has a responsibility to ask if the pipeline has been inspected. Mr. Defoyd stated of course and they have to file every year. Mr. Defoyd stated that they have to have an inspection report and that is available to the city and any citizen that request it. Mr. Robert Clowers, a citizen, stated that Seaway has one original ordinance- Ordinance 1997-09; which stated on there they have one 20 inch pipeline. Mr. Clowers stated they sold it, because the city has not collected any funds from them since 2005. Mr. Clowers stated that he isn't sure, but he thinks Sunco has received that and 1997-09 has become two 20 inch pipes and one 30 inch pipe. Mr. Clowers stated that it is really confusing who owns the original ordinance that Seaway asked for back in 1997. Commissioner Serna stated that she is reading that it is a renewal for an extension of the permit. Mr. Defoyd stated that Mr. Clowers may not be aware, but this is a renewal for a permit that was for 25 years from 1990. Mr. Clowers stated that he asked for under the open records act all of the documents dealing with the pipeline and he is telling them he does not have that. Mr. Defoyd stated that it was prepaid and they proposed to prepay this ordinance, but it is not to the cities advantage to do that. Mr. Defoyd asked who owned it. Mr. Defoyd stated it was Seaway Crude Pipeline, LLC. Mr. Clowers stated that we have been billing DCP midstream in 2011, 2012, 2013. Mr. Defoyd stated that he is not familiar with that one pipeline, but he is familiar with the one that they are dealing with tonight. Commissioner Flores asked Mayor Moya if they were in the discussion, where were they at. Mayor Moya stated to finish letting Mr. Clowers speak he is trying to clarify that. Commissioner Serna stated that this is no time to clarify, they are conducting business. Mayor Moya stated that was business, it was part of business. Commissioner Serna stated yes, but they are not part of their business. Mr. Clowers stated that the oil companies are to keep our Director of Public Works informed about all of that stuff. Mayor Moya called on Mr. David Binning, Director of Public Works. Mr. Binning stated three years ago when the council increased the fees, they called around to other cities to see what their cost was. Mr. Binning stated that some are charging a little bit more and some are charging a little bit less. Mr. Binning stated that they adopted the fees in 2013 to get the fees more in line with the other cities. Mr. Binning stated to keep in mind that some of these pipelines are traveling 100 miles and they have to pay these fees in every city that they go through. He also stated that all we are getting is the small portion through our city, like the other cities are. Mr. binning stated to operate the pipeline they are paying a lot more than the \$800.00 for our city. Commissioner Serna moved to approve Ordinance 2015-15- Granting Seaway Crude Pipeline, LLC. a permit to renew the existing 20 inch pipeline permit "Line S11". Commissioner Hinojosa, 2nd...Vote: 5 Ayes...Motion Carried.

Item # 9- Consider approving Ordinance 2015-16- Granting Seaway Crude Pipeline, LLC. a permit to renew the existing 20 inch pipeline permit "Line S10". Mr. Defoyd read aloud. Commissioner Simms stated that he would like the citizens to know that this pipeline was installed in 1958, and has been in the ground a long time. A citizen asked if this pipeline has been inspected and is it something that the city has taken into consideration. Commissioner Simms stated that he is sure with what has been said, that the regulatory people have done that. The citizen stated have the commissioners looked at the safety of the this before adopting or agreeing to approve this. Commissioner Simms stated that he has never seen the inspection report. The citizen stated that her concern is like the water and sewer lines are 50 million years old, and these are made out of the same material and eventually there is going to be some problem. The citizen stated that she understands that not everyone has looked at the inspection reports and it is something the state requires, but has someone considered looking at them. Commissioner Serna stated that they are being renewed, the old ones are being made new. Commissioner Serna stated that they could probably ask the proper authorities. Commissioner Serna stated that this is a business permit, just like one she has to get to operate her business. The citizen stated that she was not stupid and was not trying to be rude, but if something like this is running under the city shouldn't they look... Commissioner Serna stated that they do not have the expertise, but she is sure someone at the company could provide something. The citizen stated that it is like buying a used car, don't they want to know the facts, before they buy it. Commissioner Serna stated again, this is a permit. Mr. Pruett stated that again,

the city cannot regulate these pipelines. The citizen stated that she understood that. Mr. Pruett stated that her concern was the city doing some follow up with the local entity that does that, that we are safe. The citizen stated yes. Mr. Pruett stated that they do that and there is a big organization that meets once a month in Deer Park and have safety requirements. Mr. Pruett stated that if they had a particular concern about a pipeline they would get ahold of the proper authorities, and the city does not have the expertise. Mr. Pruett stated that he doesn't know if they can legally do it, but if they had to do the inspections they would probably contract it out. Mr. Pruett stated that they do have to apply for the permit and at least we know what they are, how old they are, and the location. Mr. Pruett stated that they do have to have signs and postings, but most of them run through easements and right of ways. Mr. Pruett stated that they are monitored very close, because the city cannot even dig close by them, without them getting on to the city. Commissioner Hinojosa moved to approve Ordinance 2015-16- Granting Seaway Crude Pipeline, LLC. a permit to renew the existing 20 inch pipeline permit "Line S10". Commissioner Simms, 2nd...Vote: 5 Ayes...Motion Carried.

Item # 10- Consider approving Ordinance 2015-17- Granting Seaway Crude Pipeline, LLC. a permit to renew the existing 30 inch pipeline permit " Line S8". Mr. Defoyd read ordinance aloud. Commissioner Flores moved to approve Ordinance 2015-17- Granting Seaway Crude Pipeline, LLC. a permit to renew the existing 30 inch pipeline permit " Line S8". Commissioner Hinojosa, 2nd...Vote: 5 Ayes...Motion Carried.

Item # 11- Consider approving Resolution R12-2015- Designation of a representative and alternate for the Houston-Galveston area council 2015 general assembly. Mr. Defoyd read resolution aloud. Commissioner Serna moved to approve Resolution R12-2015- Designation of a representative and alternate for the Houston-Galveston area council 2015 general assembly. Commissioner Hinojosa, 2nd...Vote: 5 Ayes...Motion Carried.

Item # 12-Consider approving Resolution R13-2015- Amending the 2015-2016 budget by increasing maintenance/repair- Christmas lights by \$12,000.00. Mr. Defoyd read resolution aloud. Commissioner Serna moved to approve Resolution R13-2015- Amending the 2015-2016 budget by increasing maintenance/repair- Christmas lights by \$12,000.00. Commissioner Simms, 2nd... Mayor Moya asked what lights were they talking about, besides the Christmas tree at city hall. Mr. Pruett stated all around city hall and decorations up and down Clinton. Mayor Moya stated that they did not have that last year. Commissioner Serna stated that they have not had them in many years and they wanted some. Mr. Pruett stated that many of the lights are bulb style and now many of the lights are LED. Mr. Pruett stated that the city employees would like to dress the streets up like the other cities. Mayor Moya stated that she understands that, but it was also in the budget last year and she did not see it. Mayor Moya stated that she would like to see it this year. Mr. Pruett stated if they can get them on time, that is why they are trying to get it passed. Vote: 5 Ayes...Motion Carried.

Item # 13-Consider approving the quarterly investment report ending September 30, 2015. Mayor Moya called on Nanette Moreau, Treasurer. Ms. Moreau read the quarterly report as follows: Beginning balance of \$1,705,637.32, four cd's that renewed giving is in interest \$777.81, with an ending balance of \$1,706,415.13. Commissioner Simms moved to approve the quarterly investment report ending September 30, 2015. Commissioner Flores, 2nd...Vote: 5 Ayes...Motion Carried.

Item # 14- Consider approving moving the regular city council meeting for November 3, 2015 to the Alvin Baggett Community Building due to the November 3, 2015 General Election. Commissioner Serna moved to approve moving the regular city council meeting for November 3, 2015 to the Alvin Baggett Community Building due to the November 3, 2015 General Election. Commissioner Simms, 2nd... Mayor Moya stated that they had said they were going to come back to it and asked Mr. Clowers if he still wanted to discuss it. Mr. Clowers stated that if they would read the charter they know they are in violation of it. Mr. Clowers asked how can they argue with something like that. Mr. Clowers stated that they should just do away with the charter and run the city just however we want.

Mayor Moya stated that to clarify to some of the citizens, maybe they should read the charter. Mr. Clowers stated that Article 9 Section 10 at the bottom it states that all city meetings should be held at city hall at the City of Galena Park, Texas and shall be open to the public. Mayor Moya stated that he was right. Commissioner Serna stated that it says more than just that sentence, it is a paragraph. Mr. Clowers stated that if they want to vote against the charter, each one of those commissioners took an oath that they would uphold the charter, and it is very plain that they are not going to do that. Mr. Clowers stated that if they go back 50 or 40 years, they have done a lot of things that have been in violation of that charter; it is time we stop violating the charter and start going by it. Mr. Clowers stated that one of the amendments last time was to be able to move the meetings to various places and the citizens voted it down. Mr. Clowers stated they said what we have works. Commissioner Simms asked is that why they voted down, did Mr. Clowers ask them why they voted it down. Mr. Clowers stated that it did not matter why they voted it down. Commissioner Simms stated that the very next meeting someone, Mr. Mark Groba, came down and asked why they couldn't move the meeting. Mr. Clowers stated to Commissioner Simms, that was his cousin. Commissioner Simms stated that was not his cousin. Mr. Defoyd stated that the city commission has the authority to do it and they are not in violation of the charter. Mr. Defoyd stated if the city hall is not available they can move the location for the election that is held every first Tuesday in November. Mayor Moya read Article 9- Section 10: Not less than two regular meetings of the City Commission shall be held in each calendar month, the time thereof fixed by the Commission, and the City Commission by ordinance may provide for additional regular meetings from time to time as may be deemed advisable. As many special meetings as may be necessary to attend to the municipal business may be called by the City Secretary upon the written request of the Mayor or three Commissioners. Notice of special meetings of the City Commission at least twenty four hours prior to such meeting, which notice shall state the subject to be considered at such meeting and no other subject shall be there considered except with the unanimous consent of the Commissioners. All meetings of the City Commission shall be held at the City hall in the City of Galena Park, Texas, and shall be open to the public. Commissioner Serna stated that the city charter is a lot bigger than that. Commissioner Serna stated that it was just like the news, they only show a little bit to stir up the public. Commissioner Simms asked Commissioner Serna if she holds up her motion, and he holds his second. Commissioner Serna stated yes she does. Commissioner Serna stated that they were there to pass ordinances. Mayor Moya asked Ms. Gonzales if they have any ordinances stating they can move the meetings or is the charter all they have. Mr. Pruett asked what do they think they are passing now, it's an ordinance. Mayor Moya stated it was not an ordinance it is the charter. Mr. Defoyd stated that they needed to ask for the question. Mayor Moya stated that she was going to ask for the question and Mr. Defoyd needed to stop taking over her meetings. Vote: 4 Ayes...1 Nay (Mayor Moya) Mayor Moya stated that she voted no, because she does not want to violate the charter. Motion Carried. Commissioner Simms asked Mayor Moya if she will be attending that meeting. Mayor Moya stated of course she will be at the meeting, they still have to conduct business. A citizen asked how can they blatantly violate the charter. Mr. Defoyd stated that they were not, city hall will not be available.

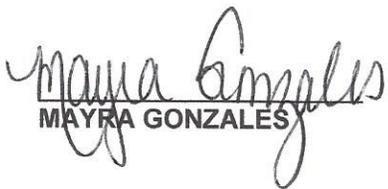
Mr. Pruett stated that he wanted to make it a matter of record, that in his 35 years of government he has never seen a council meeting conducted this way. Mr. Pruett stated that the Mayor chairs the meeting and how it is supposed to be done, is comments from the audience, by law.....Mayor Moya stated that where in the law. Mr. Pruett stated to the Mayor to let him finish. Mayor Moya stated that she is conducting the meeting and asked if they have Robert's Rules of Order somewhere, because if they go by the state, they don't have the orders adopted there. Mr. Pruett stated that the point he is trying to make is he has never seen, and every audience has every right to voice their opinions. Mr. Pruett stated that he had never seen a meeting where the audience is allowed to interject their opinion in the middle of a vote. Mayor Moya stated that what else she has never seen is that all of the Commissioners go to Mr. Pruett's office to conduct business before it comes to the council meeting. Mayor Moya asked if they had any announcements and if she hears a motion to adjourn.

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Commissioner Flores stated that he had an announcement. Commissioner Flores announced that he met with CenterPoint and they are going to give them more street lights free of charge. Commissioner Flores stated that if anyone wants one or knows of where a street light should go please let him know. Commissioner Flores stated that he would be meeting with them on Friday and would also address the issue of the trees and the power lines.

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

Meeting adjourned: 7:38 P.M.


MAYRA GONZALES


APPROVED