

The City of Galena Park

City Commission Meeting

Date: August 16, 2016

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 August 16, 2016.

Present were:

Esmeralda Moya
Rodney Chersky
Oscar Silva, Jr.
Eric Broussard
Barry Ponder
Mayra Gonzales
Robert Collins

Mayor
Commissioner
Commissioner
Commissioner
Commissioner
City Secretary
City Attorney

I. Mayor called meeting to order

II. Mayor Moya led the invocation.

III. Mayor Moya led the Pledge of Allegiance.

IV. Report of the City Attorney on application of the Texas Open Meeting Act to the Galena Park City Commission meeting and activities. Mr. Collins stated that the question has come up with compliance with the Texas Open Meeting Act by the public meetings that are held by the City of Galena Park, there might have been a way that it has been done in the past but what we need to know about is what the Texas Open Meeting act the law requires. It requires that we have open meetings to which there has been an agenda posted and that someone could figure out with the agenda that has been posted what is the subject for the meeting, what we are going to be talking about. One of the problems that we have in Texas with open meetings is that something else gets into the meeting, somebody else has their own agenda for example: maybe somebody wanted to be appointed to a position with the city and maybe they did not get the appointment, if they bring two or three friends and they raise and issue in the comments section or if they loudly start saying things and demanding answers. The political response often is to try to address issues but it is not in the notice of the public meeting. The notice in the Texas Open Meetings Act is to protect people that are not here tonight; that is for any that read the agenda for the meeting and they should be able to tell what is going to be discussed, they should be able to make a decision to stay home because there is not going to be something on the agenda that concerns them. They shouldn't look at the open meetings agenda and be deceived or mislead because actually something else is going to be discussed in the meeting. If somebody is going to raise an issue that wasn't on the agenda, maybe for example: somebody wants something done to the street in front of their house and they think that if they come to a meeting and raise an issue loudly enough a politician will want to address the issue and that will be natural and also improper, the danger in having a free flow of information in what are public official meetings is that it is a violation of the Texas Open Meeting Act. To avoid that there are ways for the public to communicate with you, workshops is the best way where people can say what they want to say and address issues with no actions taken, it is an opportunity to ask questions. There are certain things such as investigations of criminal behavior that are not public and to be asking questions about them in a public meeting opens a serious issue, and as a result we discuss the agenda as it is tonight and that is an agenda to do what you all are elected to do. Mr. Collins stated that the Commissioners

and Mayor were elected to conduct the business of the City and it is done publicly, you discuss the business here publicly and vote on it publicly so everyone can see your votes. Their voice comes to you individually, on your own time answering their questions, visiting with them because they are people from the community that you live with and they come to the open workshops. Most importantly the public comes with the election and that is why people are elected for a term, they are elected to do the job and work for the city for a period of time. Mr. Collins introduced Mr. Dennis Houfek as a council to his firm and has many years in municipal experience, he worked with him while he was City Attorney at Port Isabel and was also an FBI special agent all over the United States; he did work on investigations and important business in our country in Law Enforcement. Mayor Moya stated they would stay after the meeting to address any concerns, she stated that the citizens voice still counts and that is why as soon as they are done conducting the City business they would stay behind, that way if there is any comments or concerns that they will like to address to herself or the Commissioners on the panel. Mayor Moya stated not as a group but individually.

V. Consideration and possible approval of minutes of regular meeting on August 2, 2016.

Commissioner Chersky moved to approve the minutes of regular meeting on August 2, 2016. Commissioner Ponder, 2nd. Mayor Moya called for the vote: Commissioner Chersky...Aye, Commissioner Silva...Aye, Mayor Moya...Aye, Commissioner Broussard...Aye, Commissioner Ponder...Aye...5 Ayes ...Motion Carried.

VI. Consideration and possible approval of the accounts payable through August 16, 2016.

Commissioner Chersky moved to approve the accounts payable through August 16, 2016. Commissioner Broussard, 2nd. Mayor Moya called for the vote: Commissioner Chersky...Aye, Commissioner Silva...Aye, Mayor Moya...Aye, Commissioner Broussard...Aye, Commissioner Ponder...Aye...5 Ayes ...Motion Carried.

VII. Consideration and possible approval of Ordinance 2016-03 (A) - An amendment to Ordinance

2016-03 to add a provision clarifying the consolidation of the duties and power of the Mayor with the duties and powers of the abolished position of the City Administrator. Commissioner Ponder moved to approve Ordinance 2016-03 (A) - An amendment to Ordinance 2016-03 to add a provision clarifying the consolidation of the duties and power of the Mayor with the duties and powers of the abolished position of the City Administrator. Commissioner Chersky, 2nd. Commissioner Silva stated that he needed clarification on what falls under the City Administrator vs. the Mayor, what guidelines and rules. Mayor Moya stated that it is the ordinance that stands right now; they will just be changing the words from City Administrator to Mayor, because in most municipalities the Mayor is the City Administrator. Commissioner Silva asked if there was a booklet that falls under that. Mr. Collins stated, for example in the personnel manual there are provisions where a City Administrator might be involved in an appeal of some issue, there is no City Administrator. What this is doing is changing City Administrator to City Mayor, that way there is a person to handle that duty. There are documents that say City Administrator but that position has been abolished, this should have been done when the City Administrator position was abolished. Mayor Moya called for the vote: Commissioner Chersky...Aye, Commissioner Silva...Nay, Mayor Moya...Aye, Commissioner Broussard...Nay, Commissioner Ponder...Aye... 3 Ayes ...2 Nays...Motion Carried.

VIII. Consideration and possible approval of Resolution R08-2016-Resolution amending the 2015-2016 Budget for the City of Galena Park, Texas. Commissioner Broussard moved approve Resolution R08-2016-Resolution amending the 2015-2016 Budget for the City of Galena Park,

Texas. Commissioner Chersky, 2nd. Commissioner Ponder stated that he had a problem with this, number one the budget had been amended about a month ago and the reason was because they were kind of saddled with the budget that was given to them from a previous administration. Commissioner Ponder stated that something might go on that they are not in control of involving the budget, for example: a water leak in front of Clinton Drive and you cannot budget for that. Commissioner Ponder stated that this was a one line item that has to do with \$50,000 for a building that could have been put on the next budget. Mayor Moya stated that it was put in the next budget that takes effect in 2 months. Commissioner Ponder stated that the building does need work but taking \$50,000 out and everyone in there has talked about tearing it down, taking fifty thousand dollars for granite tops and stainless steel vent hoods and hired an engineer to do a topographical view where the new buildings will go. Commissioner Ponder stated that his concern is that every time they turn around they are amending the budget and in this case it's only one item. Commissioner Chersky stated that his concern is that we are in the middle of hurricane session and there could potentially be unexpected expenses. Commissioner Chersky stated that he has no problem with getting the building fix. Commissioner Ponder asked if there is any way to work with Commissioner Broussard and find out what can be possible and what they can get away with. Commissioner Ponder stated that he knows the floor needs to be done. Commissioner Broussard stated that the building is in bad shape and if the health department would go into the building it would be condemned, but this building is being rented to citizens on a daily and weekly basis, this building is being used as much as the Alvin Baggett building, but know there is health concerns. Commissioner Broussard stated that the bathrooms are in very bad shape, the kitchen is a fire hazard and it needs to be taken down. The project to build a new building can take up to 3 years even if we get approval today it will take a lot of money to build a new building. We cannot wait 3 years or 2 months for repairs the citizens deserve not to wait 2 months to get these repairs done, and if you open the emergency doors they will fall off the frame. Commissioner Broussard stated that he is asking to either approve repairs now or condemn the building. Commissioner Chersky asked how long has he known about this and why was the money spent on getting a new restroom. Commissioner Broussard stated that they had budgeted for a new restroom and for the pool in the last budget. Commissioner Broussard stated that he was elected to protect the people's money, and he is not wasting the money but some of these things need to be done and we have to buckle up and spend money. Commissioner Broussard stated that would like to get a grant and whatever it takes to get a new building. Mayor Moya stated that her concern was that it was in his next budget which will being effect in two months and yes she agrees that he needs a new building and they are going to work on that but if they pull out \$49,000.00 they will have to pull out from someone else's budget, and we already owe the water department a lot of money and we cannot put this burden on the citizens. Mayor Moya stated that she will take it on the next budget and he will get his new building. Mayor Moya stated that Commissioner Broussard can add whatever he needs to this next budget and she is already working on getting grants for this, she does not want to patch the work, she wants to make sure that the problem is fixed. Mayor Moya stated that she has people from Woodland Acres asking where is the pavilion that was promised and the shelter, but she has to look at everything, there are three subdivisions in Galena Park and she does not want to put a burden on the citizens. Mayor Moya called for the vote: Commissioner Chersky...Nay, Commissioner Silva...Aye, Mayor Moya...Nay, Commissioner Broussard...Aye, Commissioner Ponder...Nay.. 2 Ayes ...3 Nays...Motion Failed.

IX. Consideration and possible approval of the full time employment of Brittany Burns as Police Dispatcher-Police Department. Commissioner Silva moved to approve the full time employment of Brittany Burns as Police Dispatcher-Police Department. Commissioner Chersky, 2nd. Mayor Moya called for the vote: Commissioner Chersky...Aye, Commissioner Silva...Aye, Mayor Moya...Aye, Commissioner Broussard...Aye, Commissioner Ponder...Aye... 5 Ayes ...Motion Carried.

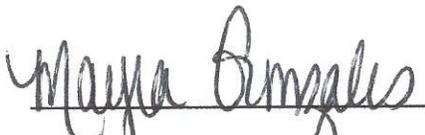
X. Consideration and possible approval of changing the employment status of Jonathan Rojo from part time to full time employment-Water Department. Commissioner Chersky moved to approve changing the employment status of Jonathan Rojo from part time to full time employment-Water Department. Commissioner Ponder, 2nd. Mayor Moya called for the vote: Commissioner Chersky...Aye, Commissioner Silva...Aye, Mayor Moya...Aye, Commissioner Broussard...Aye, Commissioner Ponder...Aye... 5 Ayes ...Motion Carried.

XI. Consideration and possible approval of the part time employment of Joshua Garrett and Nick Bourdouis-Firefighter/ EMT. Commissioner Chersky moved to consider and possible approval of the part time employment of Joshua Garrett and Nick Bourdouis-Firefighter/ EMT. Commissioner Ponder 2nd. Secretary called for roll call: Commissioner Chersky...Aye, Commissioner Silva...Aye, Mayor Moya...Aye, Commissioner Broussard...Aye, Commissioner Ponder...Aye. 5 Ayes ...Motion Carried.

XII. Consideration and possible approval of Rolando Barrientos Jr. as Volunteer Firefighter –Fire Department. Commissioner Chersky moved to approve Rolando Barrientos Jr. as Volunteer Firefighter –Fire Department. Commissioner Ponder, 2nd. Mayor Moya called for the vote: Commissioner Chersky...Aye, Commissioner Silva...Aye, Mayor Moya...Aye, Commissioner Broussard...Aye, Commissioner Ponder...Aye...5 Ayes ...Motion Carried.

Commissioner Ponder made a motion to adjourn the meeting. Commissioner Chersky, 2nd... Mayor Moya called for the vote: Commissioner Chersky... Aye, Commissioner Silva...Aye, Mayor Moya...Aye, Commissioner Broussard...Aye, Commissioner Ponder...Aye...Vote: 5 Ayes... Motion Carried.

XIII. Meeting Adjourn 6:25 p.m.



Mayra Gonzales



APPROVED